# THE MEXICAN BORDER—IMPACT ON LOCAL LAW ENFORCEMENT IN THE UNITED STATES

Y 4. G 74/7: M 57/2

The Mexican Border-Impact on Local...

## HEARING

BEFORE THE

INFORMATION, JUSTICE, TRANSPORTATION, AND AGRICULTURE SUBCOMMITTEE

OF THE

## COMMITTEE ON GOVERNMENT OPERATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

NOVEMBER 9, 1993

Printed for the use of the Committee on Government Operations

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# THE MEXICAN BORDER—IMPACT ON LOCAL LAW ENFORCEMENT IN THE UNITED STATES

TUESDAY, NOVEMBER 9, 1993

HOUSE OF REPRESENTATIVES,
INFORMATION, JUSTICE, TRANSPORTATION,
AND AGRICULTURE SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
*Washington, DC.*

The subcommittee met, pursuant to notice, at 1:15 p.m., in room 2325, Rayburn House Office Building, Hon. Gary A. Condit (chairman of the subcommittee) presiding.

Present: Representatives Gary A. Condit, Karen L. Thurman, Bart Stupak, and Ileana Ros-Lehtinen.

Also present: Kathryn J. Seddon, professional staff member; Aurora Ogg, clerk; and Diane M. Major, minority professional staff, Committee on Government Operations.

## OPENING STATEMENT OF CHAIRMAN CONDIT

Mr. CONDIT. The subcommittee continues its investigation of foreign nationals who commit crimes in the United States and the pursuit of fugitives who flee abroad. Last Congress, we asked how the Nation's biggest tax evader, Marc Rich, had managed to operate his business, travel worldwide, and evade U.S. law enforcement for 9 years. Today, we focus on problems which are unique to our proximity and relationship with Mexico.

The communities of the United States are interdependent with those of Mexico. No place is this more evident than in the West and Southwest, where major population centers are bisected by the Southern land border. Millions of people cross the border each year, legally and illegally, to engage in commercial and social activities. As a result, we have enjoyed numerous cultural, social, and economic benefits. But, as an official of the Department of State has acknowledged, the "large flow of persons across the U.S.-Mexico border results in frequent crimes committed in U.S. territory."

Earlier subcommittee hearings examined how aliens who commit crimes affect communities. Today's hearing focuses on what our government calls the "special" problem for law enforcement, which result when a Mexican national commits a crime, then flees to Mexico.

The United States is party to an extradition treaty with Mexico, which provides for extradition for violations of law, ranging from murder to copyright violations. In practice, the Government of Mexico does not extradite its own nationals. In some cases, it has prosecuted its nationals in Mexican courts. But in many cases,

when a Mexican national is accused of a crime and flees across the border, that is the end of the matter. Law enforcement often will not make the effort to pursue the accused, in part because Mexico's policies against extradition are widely known.

In 1990, in a highly controversial move, DEA agents took matters in their own hands and arranged for the abduction from Mexico of a Mexican national accused of the murder of a DEA agent. The U.S. Supreme Court ruled that their actions were consistent with the treaty. The Government of Mexico and some United States citizens were outraged. Our government agreed to stop the practice and to negotiate an agreement with Mexico on the issue.

On a recent trip to Mexico, I was joined by Representative McCandless during meetings with our ambassador and President Salinas, in which we discussed our deep concerns about resolving these problems. Today, we want to learn what the United States Government is doing, in the face of Mexico's nonextradition policy and the heavy traffic across the border, to address the "special" problem for law enforcement.

I want my colleagues to pay special attention to this part of the statement. The Department of State asserts that this is not a "productive" time to discuss the problem, saying it is too sensitive. The Department has refused to testify but, at some time in the future, might consider giving such testimony.

I agree. This is a sensitive topic. Crime does not respect international boundaries, and criminals are smart in seeking the refuge afforded by those boundaries. In many cases, the boundaries are those of our international friends. But, the world is changing, and people travel easily.

If officials responsible for insuring the safety of our citizens are afraid to discuss with Congress the nature and extent of the problem, if they will not talk about their action to help solve the serious problems affecting the safety of our communities, and if they are unwilling to respond to questions because the answers might make someone uncomfortable or have some possible political impact, then I question this government's commitment to providing for the well-being and safety of our communities.

At this point, I would like to include in the record correspondence with the Department of Justice and the Department of State on this matter. I suggested an option to the Department of State for addressing the problem of truly sensitive testimony, while preserving the right of Congress to be informed regarding the operations of our government.

The Department of Justice, whose Attorney General has promised new accountability, new openness, and new cooperation, said it did not want to testify without the Department of State.

Justice was reminded that it has a unique responsibility for addressing the problems of providing for the security of our borders and the protection of the safety of our citizens and, under our system of government, an obligation to report to the Congress regarding those matters, as requested. They persisted that they would not appear without the State Department. Last night, a departmental official apologized for the way the matter had been handled but said they could not testify for a month or so.

Today's witnesses include the families of people who have experienced first hand the consequences of the "special problem" of law enforcement. For us, the bureaucratic arrogance and the lack of responsibility by our own government officials regarding this problem is frustrating. It is wholly inconsistent with our system of government. But for our witnesses, the people here today, it is much different. It is personally heartbreaking.

[The information referred to follows:]

Gary A. Condit, California, Chairman
Major Owens, New York
Karen Thurman, Florida
Lynn Woolsey, California
Bart Stupak, Michigan

Craig Thomas, Wyoming
Ranking Minority Member
Dana Rohrabacher, Florida
Stephen Horn, California

ONE HUNDRED THIRD CONGRESS
Congress of the United States
House of Representatives
Information, Justice, Transportation, and Agriculture
Subcommittee
of the
Committee on Government Operations
B-349-C Rayburn House Office Building
Washington, DC 20515

(202) 225-3741
FAX (202) 225-3465

November 8, 1993

Via Facsimile
Hand Delivered

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Constitution between 9th and 10th Streets
Washington, D.C. 20530

Dear Ms. Attorney General:

At approximately 6:30 p.m. on Friday, November 5, 1993, Ms. Gerri Ratliff, of the Office of Legislative Affairs informed the Subcommittee staff that the Department of Justice would not be able to testify at the Subcommittee's hearing on November 9, 1993, "The Mexican Border--Impact on Local Law Enforcement in the United States". According to Ms. Ratliff, a decision has been made "at the highest levels" that the Department cannot be ready to participate in the Subcommittee's hearing. Furthermore, the Department has consulted with the Department of State on this matter. As Ms. Ratliff explained further on Saturday, Mr. Heymann believes it "does not make sense to come up" without the Department of State.

It is appropriate for you or your designate to testify before this oversight Subcommittee regarding the manner in which the Department of Justice is discharging its responsibilities, regardless of the views or presence of other Executive agencies. This Subcommittee has a long standing concern about the adequacy of the efforts of the U.S. Government to address the problem of the safety and well-being of U.S. citizens who the victims of crimes by foreign nationals. This year we conducted two hearings focusing specifically on the problems confronting U.S. communities due to the presence of foreign nationals who commit crimes. Last summer, for example, we received testimony regarding the impact on the state and local criminal justice systems in California. A recent study from the State of California estimates that criminal aliens account for 12% to 15% of the State's prison population. A 1990 study of Los Angeles County determined that 11% of the inmates released from the County jail system were classified as "deportable aliens". Many of these inmates entered the country illegally as a result of the failure of the U.S.

Government to effectively control its borders, a responsibility uniquely within the purview of the Department of Justice. Because of the failures of the Federal government, more than 2 million people are estimated to be in California illegally.

The November 9 hearing focuses on another law enforcement problem. That is, what happens when a Mexican national comes to the United States, commits a crime, then flees to Mexico? Because of that country's "no extradition" policy, Mexico provides a virtual safe haven to its nationals who have committed crimes in the U.S. In fact, even the Department of State has acknowledged the existence of the problem: the "large flow of persons across the U.S.-Mexico border results in frequent crimes committed in U.S. territory" and the policy of the Government of Mexico in not extraditing its nationals "presents a special problem to U.S. law enforcement authorities".[1]

This "special problem" is the subject of this hearing. The Department of Justice, through its Office of International Affairs and the DOJ component agencies (the Federal Bureau of Investigation, the U.S. Marshals Service, the Immigration and Naturalization Service and, in some cases, the Drug Enforcement Agency) is responsible for addressing these problems. As outlined in my letter of invitation, your role will be to inform us of the extent and nature of the problem and the response of your Department.

The Subcommittee should have been informed in a timely fashion of any requests for accommodation by the Subcommittee with regard to timing. As the Subcommittee staff explained, other witnesses have either already traveled to Washington to participate in the hearing or acquired their tickets to do so. The Department had ample notice, having been informed regarding this hearing in full compliance with the Department's longstanding "notice requirements".

I know that the Department of Justice is capable of preparing testimony within the time frames it has established for itself. Furthermore, officials with responsibility for the operations of the programs should be able to address readily, knowledgeably, and informatively the topics we requested be discussed. Their inability to do so brings into serious question the ability of the Department of Justice to do its job.

With regard to information regarding the Zuniga Rios case, a matter of keen Congressional interest, your Department has assured Representative George E. Brown, Jr. of a "profound commitment"[2] to pursuing the matter. Further, you have committed to your "best efforts" to keep Mr. Brown apprised of the status of the case. Given such a high level of interest within the Department on this matter, there should be no problem with providing the requested information.

---

[1] Letter from Wendy R. Sherman, Assistant Secretary, Legislative Affairs, U.S. Department of State to the Honorable George E. Brown, Jr., U.S. House of Representatives, Washington, D.C. September 10, 1993.

[2] Letter from Sheila F. Anthony, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice to the Honorable George E. Brown, Jr., U.S. House of Representatives, Washington, D.C. September 29, 1993.

Last August, when the Subcommittee conducted a hearing in California to discuss the costs associated with illegal immigration and the unique problems created by the presence of aliens who commit crimes in the United States, the Department of Justice could not come. It was "too busy", "couldn't take the time", and didn't want to "spend the money" to participate in the hearing,[3] even though Justice is the Federal entity uniquely qualified to discuss the problems associated with the transfer of prisoners under existing transfer treaty provisions. Now the Department is unable and unprepared to travel 10 blocks to discuss another serious law enforcement problem. Solidarity with the Department of State--an agency whose statutory responsibilities are very different than those of the Department of Justice--is more important to Justice than fulfilling the basic responsibility to report and account to Congress for the manner in which it is carrying out its responsibilities.

The Attorney General, as the nation's chief law enforcement officer, is responsible for enforcing the laws of the United States; providing assistance to state and local enforcement in the performance of their duties; and informing Congress regarding its operations.[4] You and your deputies have spoken publicly about the need for accountability for the actions of the Department and the importance of openness in the performance of your duties. You have provided encouragement that there would be a change in attitude at the Department of Justice. The refusal to testify as requested regarding issues uniquely within the responsibility of the Department is not change. It is not accountability. And it is not openness in the performance of the duties of the office.

I expect that the Department of Justice will participate fully in the Subcommittee's hearing on November 9, 1993, regardless of the position taken by the Department of State. The hearing has been moved to Room 2325 Rayburn House Office Building and will begin at 1:00 p.m.

Sincerely yours,

Gary A. Condit
Chairman

---

[3] The Immigration and Naturalization Service did participate in the hearing.

[4] *McGrain v. Daugherty*, 273 U.S. 135, 174-75 (1927); *Watkins v. United States*, 354 U.S. 178, 187 (1957).

Gary A. Condit, California, Chairman
Major Owens, New York
Karen Thurman, Florida
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ONE HUNDRED THIRD CONGRESS

**Congress of the United States**
**House of Representatives**
Information, Justice, Transportation, and Agriculture
Subcommittee
of the
Committee on Government Operations
B-349-C Rayburn House Office Building
Washington, DC 20515

(202) 225-3741
FAX (202) 225-3445

November 5, 1993

Via Facsimile
Hand Delivered

The Honorable Warren M. Christopher
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Secretary:

Wednesday afternoon, Ms. Valerie Mims, Deputy Assistant Secretary of State, Legislative Affairs informed the Subcommittee that the Department of State will not testify at the Subcommittee's hearing on November 9, 1993, "The Mexican Border--Impact on Local Law Enforcement in the United States". The Department's refusal to testify was confirmed by a letter dated November 4, 1993 from Wendy R. Sherman, Assistant Secretary, Legislative Affairs.[1]

According to Ms. Mims, the Department of State is in the "middle of discussions" with Mexico on transborder abductions and other matters, therefore, testimony before a Subcommittee of the Congress would "not be productive" at this time. Ms. Mims stated that the testimony would have an adverse impact on the discussions.

This Subcommittee has a long standing concern about the adequacy of the efforts of the U.S. Government to address the problem of the safety and well-being of U.S. citizens who are affected by the commission of crimes by foreign nationals who enter the United States. This year we conducted two hearings focusing specifically on the problems confronting U.S. communities due to the presence of foreign nationals who commit crimes. Last summer, for example, we received testimony regarding the impact on the state and

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[1] Letter from Wendy R. Sherman, Assistant Secretary, Legislative Affairs, U.S. Department of State to the Honorable Gary A. Condit, Chairman, Subcommittee on Information, Justice, Transportation and Agriculture, Committee on Government Operations, House of Representatives, November 4, 1993.

local criminal justice systems in California. A recent study from the State of California estimates that criminal aliens account for 12% to 15% of the State's prison population. A 1990 study of Los Angeles County determined that 11% of the inmates released from the County jail system were classified as "deportable aliens". Many of these inmates entered the country illegally as a result of the failure of the U.S. Government to effectively control its borders.

The November 9 hearing focuses on another problem which has a serious impact on the effectiveness of U.S. law enforcement in combating crime: That is, what happens when a Mexican national comes to the United States, commits a crime, then flees to Mexico? Because of the country's "no extradition" policy, Mexico provides a virtual safe haven to its nationals who have committed crimes in the U.S. In fact, your own Department has acknowledged the existence of the problem: the "large flow of persons across the U.S.-Mexico border results in frequent crimes committed in U.S. territory" and the policy of the Government of Mexico in not extraditing its nationals "presents a special problem to U.S. law enforcement authorities".[2] These "special problems" are the subject of this hearing. Your role would be to inform us how one arm of our Government--the State Department--addresses these problems.

The Constitution explicitly gives authority to Congress to "regulate commerce with foreign Nations".[3] The Circuit Court for the District of Columbia has pointed out that the "legislature's powers including prominently its dominant status in the provision of funds, and its authority to investigate the Executive's function, establish authority for appropriate participation in foreign affairs".[4] I can think of no more appropriate participation than to be informed regarding the efforts of the U.S. Government in the international arena to protect the safety and well-being of U.S. citizens residing within our own borders.

We have requested your testimony on several factual matters independent of the "ongoing discussions" and which cannot be considered "sensitive". For example, we have asked for, among other items, testimony on the following:

* "a description of the manner in which the Department of State assists the Department of Justice and local law enforcement officials to insure that individuals accused of crime by states and localities and who flee to Mexico are returned to the United States to stand trial;"

* "data regarding the number of extradition requests to Mexico which have been made each year over the past 5 years for individuals charged by states and localities, including a brief description of the crime, the nationality of the defendant, and the status and disposition of the matter;"

---

[2] Letter from Wendy R. Sherman, Assistant Secretary, Legislative Affairs, U.S. Department of State to the Honorable George E. Brown, Jr., U.S. House of Representatives, Washington, D.C. September 10, 1993.

[3] U.S. Constitution, Art. 1., Sec. 8, cl. 3.

[4] *Goldwater v. Carter*, 617 F. 2d 697,709 (D.C. Cir. 1979) (en banc), judgement vacated on other grounds, 444 U.S. 996 (1979) mem.

Surely the Government of Mexico recognizes the obligation of U.S. agencies to testify before our national legislature regarding their operations and activities. Accordingly, I cannot imagine that the talks would be adversely affected by your performance of this fundamental U.S. governmental function.

We are seeking information regarding the current policies on transborder abductions and related matters. According to news reports, the Government of Mexico has demanded a binding prohibition on such abductions and the U.S. Government has responded to that demand. The Subcommittee seeks additional information regarding the nature and scope of the current policies which have serious consequences for the ability of U.S. law enforcement to do its job.

Some of the information we have requested is factual and straightforward: a projected timetable of the talks, the type of product that is expected, etc. As to information regarding the substance of the discussions, a State Department witness would be expected to express concerns concerning their sensitive nature. However, to put it bluntly, it is not only the diplomats for whom these discussions are sensitive. They are sensitive to those U.S. citizens whose lives have been--or who may be--affected by the outcome of the talks. These are the citizens whose relatives or friends are now dead or who have suffered the awful consequences of other violent crime. The discussions are sensitive to the nation's law enforcement officials who are currently stymied at the border by the policies of the Government of Mexico in their efforts to insure justice.

Ms. Mims also suggested that it is the prerogative of the Executive Branch to determine when the Congress will conduct its hearings. She asserted that she is "willing to work with the Subcommittee" regarding a later date for testimony. However, she is unable to predict when that date might be (except after the conclusion of the negotiations) nor, for that matter, can she guarantee that a witness would be available for a hearing at such a later date. She promises, however, to "do her best" to provide a witness. Assistant Secretary Sherman states the "upon conclusion of these talks, we would be pleased to brief the Subcommittee in an appropriate fashion."

Ms. Mims is misinformed on the "prerogative" of the Executive Branch to dictate the timing of Congressional hearings. The Supreme Court has made clear that an executive official is not the judge of activities within the legislative sphere. In *Gravel v. United States*,[5] the Executive Branch asserted that Senator Gravel's action in placing certain materials into a hearing record was improper because the hearing was unauthorized and irregular. The Court rejected that argument on the grounds of the general rule restricting judicial inquiry into matters of legislative purpose and operations. In addition, with respect to an "oversight" inquiry, a court has specifically admonished:

> But it is for the Subcommittee and not the Department to determine what is and what is not of value to the Subcommittee oversight function.[6]

---

[5] 408 U.S. 606 (1972).

[6] *In re Grand Jury Impaneled October 2, 1978*, (79-2) 510 F. Supp. 112, 116 (D.D. C. 1981).

However, as mentioned above, I recognize that there may be matters of true sensitivity in reporting the ongoing discussions with Mexico. Therefore, to address the stated concerns of the Department of State, I propose the following procedure:

1) On November 9, 1993, The Department of State will present testimony in open session providing as much of the requested information as possible.

2) As to those matters which may truly implicate the sensitivity of the ongoing discussions with Mexico, the Department will articulate its concerns regarding the sensitive nature of the remaining testimony.

3) The Subcommittee, in accordance with the Rules of the House of Representatives, would then formally address alternative ways to respond to the Department's concerns such as by voting to go into Executive Session to receive further testimony.

I believe that this procedure will address the concerns of the Department of State while at the same time protect the ability of the Subcommittee to do its job in a timely fashion.

We have received complaints that the U.S. Government is more concerned about its friendship with Mexico than addressing the serious crime problems affecting the lives of its own citizens. I do not believe that is the case. But, certainly the Department's failure to testify on these important issues does little to dispel that notion. Accordingly, I look forward to your full participation in the hearing on November 9, 1993.

Sincerely yours,

Gary A. Condit
Chairman

United States Department of State

*Washington, D.C. 20520*

NOV 4 1993

Dear Mr. Chairman:

This responds to your letter of October 26 regarding your request for a witness from the Department of State for a hearing on November 9 regarding criminal fugitives in Mexico. As Deputy Assistant Secretary of State Valerie Mims has explained to Kathy Seddon of your Subcommittee staff, the Department is not prepared to participate in such a hearing at this time for the reasons set forth in that conversation.

As you know, the U.S. Government and the Government of Mexico are currently engaged in negotiations on the abductions issue and in related discussions on other law enforcement issues. Upon conclusion of these talks, we would be pleased to brief the Subcommittee in an appropriate fashion.

We appreciate your specific concerns over the Zuniga Rios case. Serapio Zuniga Rios, a Mexican national, is wanted in California to stand trial on charges of kidnapping and sexually molesting a four year old girl. This heinous crime was carried out in a particularly brutal fashion. Although U.S. and Mexican law enforcement authorities are actively trying to locate Mr. Zuniga Rios, they are currently unaware of his whereabouts.

The U.S. Government has requested that Mexico extradite Mr. Zuniga Rios to the United States if he is found in Mexico. The initial response of the Mexican Government was that, if Mr. Zuniga Rios were apprehended in Mexico, in keeping with Mexican policy, they would prosecute him there in lieu of extradition. The 1978 U.S.-Mexico Extradition Treaty makes extradition of the nationals of each state discretionary rather than mandatory. Mexico, like many countries in the world and most Spanish-speaking countries in Latin America, does

The Honorable
Gary A. Condit,
Chairman,
Information, Justice, Transportation, and
Agriculture Subcommittee,
Committee on Government Operations,
House of Representatives.

not extradite its nationals. Under Mexican law, the extradition of Mexican nationals to foreign countries is prohibited except in "exceptional cases", as determined by the Mexican executive branch.

During the past several months, Secretary Christopher, our Ambassador to Mexico, and other senior Department officials have repeatedly raised the Zuniga Rios case at the highest levels of the Mexican Government. We have argued that, in view of the terrible nature of this crime and the additional trauma the victim would suffer if required to travel to Mexico to testify, this case clearly qualifies as "exceptional" and that extradition is justified. Attorney General Reno made a similar appeal during her recent visit to Mexico.

In response, the Mexican Government has now indicated that, if Mr. Zuniga Rios is apprehended in Mexico, they would consider making an exception in this case to their general policy of refusing to extradite nationals. We are hopeful that Mr. Zuniga Rios will be found soon and returned to face justice in the United States. In the meantime, Mexican and U.S. law enforcement authorities are continuing their efforts to locate him.

In closing, I wish to underscore that the Department shares the Congress' sense of outrage over this crime, and I can assure you that we will continue to work vigorously to bring the accused to justice.

I hope we have been responsive to your concerns. Please contact us if we may be of assistance in any way.

Sincerely,

Wendy R. Sherman

Wendy R. Sherman
Assistant Secretary
Legislative Affairs

Mr. CONDIT. I want to recognize a number of Members who are here today: Mr. Calvert and Mr. McCandless. Mr. Brown will be here, if he is not here, and Mr. Shaw will be here as well. They have deferred their testimony for a few minutes to allow the witnesses who have traveled to go ahead and testify. Then we will hear from those Members.

I am going to allow the subcommittee members to make opening statements. Mr. Stupak, do you have a statement you would like to make?

Mr. STUPAK. Thank you, Mr. Chairman. I would like to echo your words. I think this hearing is critically important. I think it is an issue we must address. To ignore it and refuse to appear, as the State Department and the Attorney General have done, is wrong and further intensifies and highlights the problems we are experiencing.

Mr. CONDIT. Mrs. Thurman.

Mrs. THURMAN. Mr. Chairman, in view of the time, I would prefer not to make an opening statement.

Mr. CONDIT. Thank you very much. We will hear first today from the families of individuals who were victimized and who have sought justice, so far without success, for crimes which have been committed. They have received very little information.

One is the mother of a small child who was raped. To protect the privacy of the family and the child, we have agreed to use only the first name during this hearing. I would encourage all members to make reference to the names on the name tags. Her full name is in the record, and we will honor that.

The other is Mr. Manriquez, whose daughter was murdered. We are providing an interpreter for Mr. Manriquez. I would like to ask unanimous consent to include in the subcommittee files copies of the chronological record of communications Mr. Manriquez had with government officials. Without objection, so ordered.

[The information follows:]

**Summary of Correspondence between Mr. Antonio Manriquez, Mexican and United States authorities (translated from Spanish). Provided to the Subcommittee by Mr. Manriquez.***

**Information, Justice, Transportation, Agriculture**
**Subcommittee**
**of the**
**Committee on Governmental Operations**

**APRIL 2, 1993**

-Letter from Mr. Manriquez to the Governor of the Mexican state of Michoacan.

Wrote a letter describing the crime. Asked that if Juan Manuel Navarro (the suspect) was found by authorities in Michoacan that he be extradited to the U.S. for trial and punishment.

**APRIL 12, 1993**

-Letter from Mr. Manriquez to President of Mexico.

Mr. Manriquez gives the address of where Mr. Navarro can be found in Baja California (1600 Pastor Ramos Ave., Mexicali). Mr. Navarro is living with members of his family. Writes that the Baja California authorities have failed to help him in any way because Mr. Manriquez needs the signature of the Mexican Consulate closest to his home. He asks again that Mexican officials aid in Mr. Navarro's arrest.

**APRIL 29, 1993**

-Response from Mexican President Salinas.

Alba Celina Soto, the President's correspondence secretary, writes back to Mr. Manriquez that this case falls under the jurisdiction of the U.S. authorities. However, they would appreciate any information on the assailant's whereabouts so they can locate him, that is all.

**JULY 19, 1993**

-Letter from the Mexican Consulate in Los Angeles, California to Mr. Manriquez.

Mexican consulate writes to Mr. Manriquez explaining that they will assist him if they can due to the fact that Mr. Navarro could have fled to Mexican territory.

**JULY 26, 1993**

-Letter from the Southern California Hispanic Community of the United States of America to the President of Mexico.

They ask that the President of Mexico allow that Mexican Federal, State as well as local authorities be allowed to arrest Mr. Navarro in Baja California where he is known to live.

**JULY 29, 1993**

-Letter written to the President Bill Clinton (cc: to other elected California officials).

Mr. Manriquez informed his representatives that he has asked for help from the FBI. The FBI tells him they do not have jurisdiction to take Navarro into custody. He writes that he has also contacted the Consulate of Mexico and they have assured him that they will do anything they can to help, but they are powerless without authority form the agencies in the U.S. Again he pleads for help.

**OCTOBER 8, 1993**

-Letter from the President of Mexico to Mr. Manriquez.

This letter addressed Mr. Manriquez' request for the arrest of Mr. Navarro (murder suspect) by the Mexican authorities.

The letter reads that in order for Mexican authorities to intervene in the apprehension of said person, it is necessary to solicit the involvement of those who are officially in charge of the investigation of the cited crime.

*Prepared by Subcommittee staff.

Mr. CONDIT. I would ask the witnesses to stand.
[Witnesses sworn.]
Mr. CONDIT. Both said yes.
Mr. Olson is the interpreter for Mr. Manriquez?
Mr. OLSON. Correct.
Mr. CONDIT. You can begin.

**STATEMENT OF ANTONIO MANRIQUEZ, A FATHER, COACHELLA, CA, ACCOMPANIED BY ERIC OLSON, TRANSLATOR**

Mr. MANRIQUEZ. [Consecutive Translation]. First of all, I would like to thank everybody here at the table. Thanks to you, I am here today. I need to present to you a large problem and tell you what happened on February 14, 1993.

First of all, I would like to let you know that my daughter Ignacia Moreno Manriquez, was living with my wife and me. She had been living with us since December 1992, because she no longer wanted to live with Juan Navarro Lerma. He watched her at all times, even after she moved out. On February 14, my daughter came to San Bernardino to bring fruit to her close friends. She brought all her children, and her youngest child became ill with the flu. She took her child to the Loma Linda Hospital in Loma Linda, CA.

Juan Navarro Lerma came to the hospital and took away my daughter's life. He unjustly took her life, simply because she no longer wanted to live with him. Since the murder, I have had difficulty with the government that is handling the case in San Bernardino; primarily police officers Roberto Acevedo, and Raymond Abram.

Soon after her death, I went to Detective Acevedo on three different occasions. Detective Acevedo told me that if the assassin committed a crime again, robbed or murdered someone, he then could be captured. Juan Navarro remained in San Bernardino for 25 days with his godparents and friends, but the detectives were never able to capture him.

From San Bernardino, he went to Coachella. The San Bernardino Police Department then requested assistance from Detective Piña from California. From there, he went on to the Indian reservation in Sien Palmas where he was seen two or three times. I reported it to Detective Piña, but he told me he could not go into the Indian reservation. I no longer went back to Detective Piña because he did not give me any assistance.

From the reservation, the assassin went across the border into Mexico, and the same thing happened. We looked for him, and people saw him on the other side of the border, near Mexicali. I talked to the judicial police of Mexicali, and they told me that they were looking for him initially.

I would go every week to Mexicali. I angered some of the detectives because I was always asking them questions about what was going on in the case. The detectives informed me that my methods of investigation were incorrect. It was something that needed to be done here in the United States. They told me they could not help me because the U.S. Government needed to do the work.

I spoke again with Detective Roberto Acevedo, and he told me that he could not do anything in Mexico. I see I have a very big problem, and I hope you can help me. I would like to see the assassin brought back to the United States to pay for what he has done, which was taking away the life of my daughter.

I also request your help in another area. I asked for the assistance of a lawyer to help me with the children that my daughter left behind. He is from Santa Ana, but I am not sure about his phone number (714) 845–4333. I request that you help that lawyer deal with the case of these three children so they do not remain without any kind of protection.

On Saturday, I was in Mexicali, Mexico. I found out where the assassin, Juan Navarro Lerma, is. They told me that he is in the Hotel Delta which is by the Ajusco Cierra. I found out that his father had thrown him out of the house because he did not want a murderer in the house. Juan Navarro has said he is going to sell some merchandise he has, to go to Chavinda Michuachan in Mexico.

I have become tired of trying to tell our government where he has gone. The only consolation that I have left at this point is that you have invited me here and may be able to assist me in this case. I have asked myself, why does the government give detectives cases if they cannot go into Indian reservations, or into houses to get this assassin out. I say this because Detective Acevedo never looked for him in San Bernardino, and that is why I am requesting your protection. That is all I have to say. Thank you.

[The prepared statement of Mr. Manriquez follows:]

*On February 14, 1993, Juan Navarro Lerma, a.k.a. Juan Maciel Lerma, murdered his wife Ignacia Moreno Manriquez in cold blood. He shot her once in the head and once in the stomach, and just to make sure she would not survive, he stabbed her repeatedly in the stomach. He escaped immediately to become a fugitive, taking with him his youngest child, Juanito Jr., who had just witnessed his mother's horrible slaughter. This occurred in the parking lot outside Loma Linda Medical Center in Loma Linda, California, where Ignacia and her son had been treated at the hospital for the flu. Upon exiting the facility, Juan Navarro was already lying in wait to murder her without regard for her children. Juanito Jr. was returned by a stranger approximately two weeks later.*

**FEBRUARY 14, 1993** Juan Manuel Navarro Lerma (a k a Juan Maciel Lerma) murdered my daughter Ignacia Moreno Manriquez in cold blood, leaving her three children, Anabel, 11, Lucia, 8, and Juanito Jr., 4, orphaned Ignacia and her children came to live with my wife and I in December 1992 Ignacia separated from Juan when she could no longer tolerate his total neglect and irresponsibility of his family. He would not work to provide for their housing, clothing, or living expenses, much less for food and bare necessities

Juan Navarro killed my daughter with several gunshots to her head and stomach and so vicious a stabbing, she was left lying with her intestines completely exposed from her torn abdomen After committing his crime, he fled, escaping U S authorities To date, he has not been captured. I hope that when he IS finally apprehended he will be punished without mercy, as he had none for my daughter. Some of his physical characteristics include several tattoos, a spider on his arm and the name "Anabel"

After the murder, I asked Det Roberto Acevedo of the San Bernardino Sheriffs Department if he thought Navarro would be arrested quickly His answer was that the in all likelihood, Navarro would be caught only while committing another crime Other than that, it would be quite difficult to locate and apprehend him

Approximately 25 days after the murder, a report came in to Det Pina of the Riverside County Sheriffs Department in Indio, California, that Navarro had been seen on the Martinez Indian Reservation Det Pina told me that they were not permitted to enter an Indian Reservation He also told me that he had spoken to Scott, a friend of Navarro's Scott told Det Pina that he had urged Navarro to turn himself in but the murderer refused, saying he would turn himself in to no one

**NOVEMBER 8, 1993** It has been ten months since the murder of my daughter Ignacia, who died at the age of 29 years old. She did not deserve to die in such a horrible way. No one has the right to take the life of another She was a good daughter and sister, and an exceptional mother. She placed her children before anything else and, for them, she had decided to better her life. She had enrolled in an adult education program to complete her high school education and receive her diploma. She had plans to pick herself up financially, too. But her dreams of a good, stable life for herself and her children would never become reality because Juan Navarro decided to take her life from her.

For the last ten months I have spent my days investigating on my own. In the beginning, I would call and go to San Bernardino and ask the detectives what they were doing to catch Navarro. The only

answer I ever got was to have patience, that these things take time After a while, they got tired of me and would tell me that they had other more recent cases to investigate.

The last time I went to speak to Detective Brown, head of the department, was in August 1993. He told me that they had some leads He told me that Navarro was in Mexicali, Baja California, Mex I had already told them that long ago I had already gone to Mexicali myself to ask for help from the authorities there Det Brown's answer was that they needed an arrest warrant, but that in so doing, the United States would lose it's right to try him in a court of law here He told me to be patient, they were just waiting for Navarro to commit another crime here in the United States and be caught.

He assured me at the end of our conversation that he would review my daughter's case and would try to come up with a better strategy to find Navarro He told my daughter Felipa that he would be calling her on the 27th of September to let her know what they had decided to do To date, she has received no such call

I have asked for help from any and all government agencies that I believe might have some sort of jurisdiction in the case Congressmen in California and Washington, the Department of Immigration in Calexico, California, the Mexican Consulate in San Bernardino, California, President Clinton, and the president of Mexico I hope to touch someone who will really help me I am tired of going from place to place, everyone saying they want to help, but they always have some excuse

JUAN NAVARRO LERMA is a fugitive living in Mexico under the alias of "Paco". The Mexican authorities cannot apprehend him without orders from the United States, and for reasons beyond my comprehension, the authorities here will not send the orders This man is certain that he has escaped punishment and has been mocking the justice system for the past ten months, comfortable in the fact that two countries together cannot touch him I do not know how Juan Navarro will ever be captured and brought to the United States to stand trial for Ignacia's murder if the governments of the countries involved will not cooperate But, I am the father of the victim whose voice can no longer be heard, so I have to do everything in my power to be sure that MY voice IS heard, that this crime does not go unpunished

My family wants justice and we will not rest until this man is arrested and convicted for the murder of my daughter and is sentenced to the full extent of the law Only then will we be able to live our lives without having to look over our shoulders, fearing that he could show up some day to take my daughter's children

I believe in the justice system of this country, this is why I urged all ten of my children, now nine, to become American citizens As American citizens, they would have rights and better opportunities and would have a voice and be heard. This is why I have come to you.

## UNITED STATES AUTHORITIES

**SAN BERNARDINO** Case # 159300313

Det. Roberto Acevedo (909) 387-3589
Leut. Larry Brown (909) 387-3571

The detectives told me that they do not the authority to arrest Navarro now that he is in Mexico. They said that in order to have him extradited, they needed a special order.

## MEXICAN AUTHORITIES

| | |
|---|---|
| Head of the Homicide Department | Meza Buelna<br>91-65-58-19-33 |
| Department Chief | Antonio Garivalli<br>9152-88-57-20-21<br>FAX 9152-65-58-11-84 |
| District Attorney | 011-52-65-58-11-84 |
| City Hall | 011-52-65-66-24-45 |

These departments and agencies refused to help, saying they needed an arrest warrant to apprehend Navarro. Without it. there is nothing they can do.

## PLACES FREQUENTED BY NAVARRO IN MEXICO

He frequently visits his aunt Cuca Maciel
1600 Pastor Ramos
Colonia Nueva, Mexicali, B.C.

Saturdays and Sundays he travels to La Rumoroza with his father and returns on Monday with his aunt. From there, he goes to the Hotel Lucerna. I am not certain if this is where he lives, but he is there often. We also know that he is seen regularly at El Ejido Mexico on a parcel of land with vacant homes on it. It appears that he may live there. In the mornings and evenings he is often seen at #214 Ave. Carranza & Calle Rio Sonora Junk Yard.

## STATEMENT OF SUSAN, A MOTHER, CALIFORNIA

SUSAN. Good afternoon, Mr. Chairman and members of the subcommittee. I thank you for giving me this opportunity to come before you today and tell you of my firsthand experience with the extradition treaty the United States has with Mexico as a result of the criminal actions allegedly committed by Mexican national Serapio Zuniga Rios of Loma Linda, Mexico.

On the morning of September 14, 1992, I awoke to find that my 4½-year-old daughter was missing from her bed and that the back door to my house was standing open. After frantically searching my house and yard, my husband and I called "911," about 10 times in 20 minutes, as I feared that my daughter had wandered off. An hour later, another call was made to 911, reporting the finding of a barefooted child, clothed only in a T-shirt and no underwear. She was in shock, as was I. This was my daughter.

I have relived this morning over and over. This is a mother's worst nightmare. My sleeping daughter had been kidnapped from her bed and seriously harmed. The area where we lived then was made up of wide-open countryside, and great distances separate each home. It is believed that Serapio Zuniga Rios hid his bicycle at the bottom of our driveway before entering our home through a garage door. I never thought for one moment that someone would enter my home and kidnap my sleeping child from the safety of her bedroom. The trauma of this experience lives with me today.

My daughter has been able to reconstruct for the sheriff the story of that terrible night. My daughter is very intelligent for her age, and she has identified the man who kidnapped her as Serapio Zuniga Rios.

Zuniga Rios removed her from her bedroom, with his hand over her mouth and nose, threatening that he would kill her if she made a sound. He took her on his bicycle to three different locations during the next several hours. The first location was an abandoned trailer, where he pushed her through a broken window and changed her life forever. He raped, sodomized, and bit her.

After committing the crime of crimes against my child, he took her into the woods to a campsite near where he lived in the wilderness. There he calmly prepared food for himself. She told me later that while she was at this campsite, she huddled near the ground, crying for me to come and help her. She said, "Mommy, I kept calling you, and you never came. Were you looking for me when I wasn't in my bed?" I think of those words every day.

The last place he took her was to a large scrub oak tree, in an overgrown vineyard, where he placed her in a blanket, bound her with ties, and hung her hammock style in the tree about 6 feet off the ground. He left her there for dead, and I thank God every day that she is alive. My child was able to free herself from the blanket and fell to the ground. She began walking back toward the houses she could see and was found by a neighbor.

The Riverside County sheriff's office deserves an award. I have nothing but praise and an undying appreciation for them. Investigator Johnson and Detective Antoniadis spent endless hours and personal time in an effort to locate this man. They genuinely cared and did everything they could to track down the abductor. They

worked with my child extensively, interviewing her and following every lead she was able to give them.

Because of the terrible heartache this has caused my family, we have moved. We just could not bear the daily reminders. We felt we kept reliving part of that night each day. My daughter still awakes at night, crying out for me in fear.

Unfortunately, the story does not end here. The next part of the story is as unbelievable as the actions of the man who violated my daughter. That is the failure of our judicial system to bring this man to justice.

It took 9 months to get the extradition papers processed and served on the Mexican Government. We have an extradition treaty with Mexico, but Mexico has never extradited one of its citizens back to the United States to stand trial. My government should press for change.

I am only one person with a story to tell, but I am not the only person. Here is a case that tears at your heart strings, and here is a system within our government that just does not work. You have county, State, and Federal authorities working together with numerous turf problems. No one is ultimately in charge.

Because of congressional interest, this case has been raised to the highest of authorities, and we still were not successful. On October 22, 48 Members of the United States Congress sent a letter to the President of Mexico, asking the Mexican Government to extradite Serapio Zuniga Rios. This is a strong statement coming from our government.

The Mexican Government refuses to extradite Zuniga Rios to the United States to stand trial for the crimes he chose to commit while on American soil. Instead, Ambassador George Montano stated in his letter of September 22, 1993, that Zuniga Rios would undergo criminal proceedings in Mexico. I assume he means by this that if and when they locate him.

I worry that Mexican authorities do not have the commitment to justice as we have here in the United States. I am afraid that he will never be prosecuted because the location of Serapio Zuniga Rios was known from November 1992, until July or early August 1993, when he disappeared. The Mexicans knew of the crime for 5 of those months and where he was located, and they chose not to pursue him.

The September 22, 1993, ambassador's letter states that they have assigned a special task group of the Federal judicial police to locate and arrest Zuniga Rios. I have seen no evidence that he has been located by the Mexican authorities, and I am not confident that they are pursuing him.

My sister works for Congressman Clay Shaw of Fort Lauderdale, FL. When he became aware of the problems I was experiencing in trying to have justice served, he and Congressman George Brown took an active interest and began to work on my behalf. Words can never express my appreciation to these Congressmen. Thank you, Congressman Shaw, and thank you, Congressman Brown.

The California attorney general was then contacted and asked to help expedite the extradition request. A letter was sent to the district attorney by four Members of Congress, requesting assistance in expediting the paperwork through his office. The letter men-

tions, "Although we have been told that these kinds of extraditions from Mexico have been impossible in recent years, we believe that we are in a position to exert significant political pressure on the Mexican government to extradite in this case, and hopefully set a precedent for future cases." I wish the district attorney had seen the value of my request.

Congressman Jim Kolbe of Arizona was willing to present the extradition request to the American Ambassador to Mexico, who in turn would present it unofficially to the Mexican Ambassador. It was very important that this official document be processed as soon as possible.

I am just a mother and not a lawyer. The district attorney's office knew that Mexico has never extradited a Mexican national back to the United States. It appeared that they did not want to spend the time nor the money in a senseless effort. If they put me off long enough, maybe I would lose interest and go away.

I could have pursued article 4 prosecution instead of extradition, but I was told by the Office of Foreign Prosecution that more than likely this case would not be prosecuted under article 4 because most of the cases that are prosecuted under article 4 are murder cases. Also, the Mexican Government would not use our evidence of DNA, nor the laser photographs of the teeth marks.

INS was contacted by Congressman Shaw's office, and they were told that Zuniga Rios had been approved for his permanent residency status. My sister was told that if Rios did not show up for his interview, his green card would be mailed to him in Mexico. Furthermore, we were told that there was no indication in his file that there was an arrest warrant pending on him. Since that time, we have heard several reports that Zuniga Rios is in the United States working.

Don't we have some type of central computer system for identifying criminals who are wanted by the law that can be utilized by the different agencies?

Because the extradition paperwork was taking so long to be processed, I became worried that Zuniga Rios would not be able to be located. We contracted with a private detective for $25,000 to locate Zuniga Rios and keep an eye on him so that once the extradition paperwork was processed, everyone would know where to find him.

Zuniga Rios was located in November 1992, at the home of his parents, where his wife and two daughters reside in Loma Linda, Mexico. He remained in that vicinity until July 1993, 10 months. I have been told that for an additional $30,000, Zuniga Rios could be delivered to the United States. My sister continued to tell me, "Let the system work. Do not take the law into your own hands."

In September 1992, I contacted the FBI and asked if they were going to be involved in this case. I was told that this case did not fall under the jurisdiction of the FBI. They said that if the child had been taken across the State line, then they would be involved. The fact that he fled our country to avoid prosecution did not seem to interest the FBI.

Ten months later, in July 1993, the FBI did get involved. It was not until Congressman George Brown's office spoke to the FBI that they got around to filing a Federal arrest warrant for Serapio Zuniga Rios for fleeing our country to avoid prosecution. I felt that

the FBI thought that if they just waited long enough, maybe I would go away.

Congressmen Shaw, Brown, and Calvert wrote letters to the White House, the State Department, the Justice Department, and the President of Mexico on July 22, 1993. At this time, the agencies began to see the magnitude of this crime. I strongly believe that the Mexican Government would not have even responded at all on this, except that it began to create concern over the issue of NAFTA legislation that is currently before Congress.

I ask of you, how can we, as a civilized Nation, allow this type of blatant disregard for human rights and respect of American laws to go on at the highest levels of government?

When this nightmare first began, I, like any other mother, had terrible thoughts on how to deal with it. One of those was to go to Mexico and kill this man with my bare hands. I was contacted by several individuals with offers to do just that.

Had it not been for my strong belief in God and the laws of this country, I do not know what I would have done. Had I known then what I had to go through in this case, I am not sure what steps I would have taken. I cannot help but think that there would be but a few people in this hearing room today who would disagree with my actions.

It has only been through the efforts of the congressional offices of Congressmen Shaw, Brown, McCandless, and Calvert that the Riverside County district attorney's office began to process the paperwork to attempt to have this mad man, who fled to Mexico to avoid being prosecuted for his crimes, to be extradited back to the United States.

This matter took on new light, only after the case was brought to the attention of Mexican President Salinas by Secretary of State Warren Christopher and Ambassador Jones. While all of this was going on, our President assured Mr. Salinas that we would not kidnap any Mexicans and bring them to the United States to stand trial.

I am just a mother trying to raise her family in the best way that I know how. I know I cannot begin to fight the bureaucratic battle it would take to bring this matter to a close. So I am asking for your help in holding the Government of Mexico responsible for the actions of their citizens and ask that they be directed to locate this individual and have him extradited back to this country to stand trial, where he chose to commit the crime.

We need to send a clear message to Mexico and its citizens that we are cracking down on crime and will not allow the human rights of our citizens to be violated.

Mr. Chairman, thank you for your time and attention.

Mr. CONDIT. Thank you very much.

Mr. Manriquez, we have some questions. Mr. Olson, would you explain to Mr. Manriquez we have some questions. Did he want to make a statement?

Mr. MANRIQUEZ. I just forgot to show you the picture of my daughter. This is her and her daughter. She has three children: Anabel Moreno Manriquez, Lucia Moreno Manriquez, and Juanito Moreno Manriquez.

Mr. CONDIT. Mr. Manriquez, I understand that you have talked to the Federal Bureau of Investigation. Can you tell us what you were told by the FBI?

Mr. MANRIQUEZ. Yes.

Mr. CONDIT. Can you tell us what comments were made to you?

Mr. MANRIQUEZ. They told me they could not go to Mexico to apprehend the assassin. All that information was given to the doctor who is helping me. The doctor has spoken to the FBI. I went to the doctor twice to ask him if the FBI would be able to help me. He was informed that there were no orders for them to go to Mexico to search for this murderer. So I did not speak any further with the FBI.

Mr. CONDIT. Mr. Manriquez, I believe you stated Detective Brown did not want to lose the right to try Peco in a court in the United States. Has anyone that you have contacted explained why it is important that he be tried in the United States?

Mr. MANRIQUEZ. I understand that they want him to come back to the United States to pay for his crime here in the United States. They do not want him to be punished in Mexico.

Mr. CONDIT. Did they give him a specific reason why he could not be tried in Mexico for the crime, like some cases have been tried?

Mr. MANRIQUEZ. They did not explain it to me, other than the idea that he could get off easily or could get out of jail, for whatever reason, in Mexico.

Mr. CONDIT. Would you ask Mr. Manriquez to remain there for a minute. Some other members may have some questions. I want to ask Susan a couple of questions.

You testified that county, State, and Federal authorities had numerous turf problems. Would you please give us some specific examples of those problems?

SUSAN. For instance, the INS had not been notified that there was a warrant out for the arrest of Zuniga Rios. There was no coordination between the two agencies. My sister could really testify to this further, because everything seemed to have to go through her office. Nobody would tell me anything. If I tried to call INS and get information, they could not talk to me because of the Privacy Act. I would call the district attorney, and he would have an excuse.

Now that the FBI has gotten involved and the State Department, everybody has something to say but none of it is coordinated between anybody. There is not one person we can go to and ask, "What is the status of this individual?" Nobody.

Mr. CONDIT. You testified that the Mexican official knew where the accused was located for a period of time, and I think it was from July 1992, to August 1993, and then he disappeared. How did you know that they knew where this person was located?

SUSAN. Because Congressman Kolbe took a copy of the extradition papers to the American Ambassador in Mexico to present to the Mexican Ambassador to give to President Salinas. I know from that time forward that they were aware. We had hired a detective in November, and we knew where he was.

Mr. CONDIT. During that time, did you share that information with the U.S. Government about his whereabouts, and if you did, was there any move or any action taken?

SUSAN. I did share it. I was desperate, because we were paying money to have this man watched. I knew the time was running out, and I shared it with everybody: the sheriff, the district attorney, the Justice Department, the State Department, all the Congressmen, the Border Patrol, and INS. It was just to no avail.

Mr. CONDIT. You also testified you were told that for $30,000, the accused could be returned to this country. Is that correct, and what was the money for?

SUSAN. That was to have him kidnapped and brought back here, where he would just appear and the sheriffs would be notified where to pick him up, and he would be arrested and prosecuted.

Mr. CONDIT. You have been diligent in the pursuit of this, and I commend you and Mr. Manriquez both for that. You have served this committee very well by being here today. You have served your families well and the country well. At any point in your endeavors, did some law enforcement person tell you clearly what could or could not be done in this matter?

SUSAN. No.

Mr. CONDIT. They never gave you any idea of what you were up against?

SUSAN. Right up front, they told me the only option I had was article 4. Mexico was not going to bring this man back. In talking to the Office of Foreign Prosecution, they were not interested because they said they basically go after the murderers in Mexico. With a crime like this, with the type of evidence that we had, it would not be prosecuted down there.

Mr. CONDIT. I know we have a vote on, but quickly I am going to turn to Mr. Stupak. Do you have any questions you would like to ask?

Mr. STUPAK. Thank you, Mr. Chairman. Mr. Manriquez, has there ever been a criminal warrant issued in this case?

Mr. MANRIQUEZ. I do not believe there has been. Detective Acevedo told me that he had sent a fax to Mexicali, but the people in Mexicali said they never received anything. So there is no warrant for an arrest.

Mr. STUPAK. Mr. Chairman, as you know, I have been a police officer for almost 13 years. I come from northern Michigan. We have Native American Indian reservations up there. We have Canada across the border, where we never have any problems with extradition. I have never had any difficulties trying to obtain warrants or, working with proper authorities, in going on Native American Indian reservations in Michigan.

To answer Susan's question, there is a central computer. It is called NCIC. I have no reason why that warrant was not entered, because you did have a warrant in your case. I think it goes deeper, and I think maybe Susan hit it on the head when she said the difficulties she has had and the frustration she has experienced.

I think it is really a travesty what our government has failed to do for these people. I would urge this committee and this Congress to do everything it can to assist. These are further reasons why that faulty NAFTA agreement should not be approved by this Congress.

Mr. CONDIT. Mrs. Thurman.

Mrs. THURMAN. Mr. Chairman, I really do not have any questions, but I do have a comment, similar to what yours was, to both Susan and Mr. Manriquez. We do appreciate your being here today. I am not an attorney either, Susan, but I am a mother. I certainly can appreciate and understand the terror and the horror you must be feeling and still must feel.

I think, more importantly, that we need to try to help you in this situation. I think from a situation for this country, we need to make this more clear. We need to figure out how we cannot have these kinds of injustice to happen again in the future. So we appreciate your being here, and I will pledge my support with this chairman and the Congressmen that you have mentioned to do whatever I can do in seeing that our laws are protected and we are able to make sure that our American citizens are protected.

Mr. CONDIT. I would like to thank both of the witnesses very much for traveling here to testify. It took courage, and this subcommittee will not stop pushing the Departments of Justice and State to resolve this issue. For your families and for all American victims, thank you very much. We are very proud that you are here today.

We have a vote on, so we are going to recess and vote.

We are now going to try something new for this subcommittee, when we get back, and that is to use a video teleconference as a way to receive testimony to try to cut the costs for witnesses. If you can see on the television screens there, we have five witnesses who will be testifying. Before they testify, they will join with us in listening to the members who have statements to make.

We are trying to get into the modern age here and cut some costs. We are still paying for this, so we are going to try to continue the hearing while the other members are voting. When they come back, someone will relieve me. I only have 5 minutes to vote, so no one will be back. I apologize. I have to go and vote. If someone gets back, would you have them start?

[Recess taken.]

Mr. CONDIT. We have reconvened. We are having some sound problems with the linkup, and we are trying to correct that. They can hear us, but we cannot hear them. What we will do is proceed with the members' statements, and we will start with Mr. McCandless. I appreciate him being here and being a part of this hearing. Mr. McCandless.

## STATEMENT OF HON. AL McCANDLESS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. MCCANDLESS. Thank you, Mr. Chairman. I would like to commend you for holding this hearing on the status of United States-Mexican extradition. I am just sorry that we are not here to celebrate the new bilateral extradition enforcement agreement which we have been expecting.

During a recent trip to Mexico by the Government Operations Committee, I discussed the problem of Mexican extradition with United States Ambassador James Jones. Ambassador Jones told both Chairman Condit and me of the anticipating signing of a bilateral extradition enforcement agreement. According to the Ambassador, this agreement was expected to result in Mexico's extra-

dition of its own citizens to stand trial for violent crimes committed in the United States.

In fact, at the time of our visit just 1 month ago, the United States Embassy believed that an agreement would be reached during Attorney General Janet Reno's visit with Mexican President Salinas on October 11. We had hoped that Mexico would begin extraditing its citizens to stand trial in the United States shortly thereafter.

Unfortunately, those discussions did not go as planned, and negotiations are continuing. A phone conversation with the United States legal attache at our Embassy in Mexico last Friday shed no light on the status of those negotiations. The fact that both the State and Justice Departments have declined to appear today is not a hopeful sign.

I find this standstill particularly disheartening given my knowledge of Susan's case. Susan and her family were my constituents until reapportionment in January. For several months, we worked together in an attempt to expedite the extradition of the man believed to have kidnapped and assaulted her daughter.

It was not an easy process. The Riverside district attorney oversees a large and populous district and was swamped with cases. Based on his past experience, it appears the district attorney did not have much faith that Mexico would return this assailant, whatever the evidence. Given that background, it was difficult to convince the district attorney to place Susan's file on top of the stack of hundreds of other cases which appeared more likely to bear immediate fruit. It was a frustrating and saddening experience.

I believe that Susan and her family encountered a tragic example of the chicken-and-the-egg syndrome. Although Sheriff Byrd and his deputies did an outstanding job of identifying and tracking the accused, the district attorney seemed unwilling to aggressively press a case which he did not believe was going anywhere. But the case could go no further until the district attorney completed the paperwork.

What is even worse, this does not appear to be an isolated incident. According to the Orange County Register, of the 92 unsolved murders in Orange County, 43 are believed to have been committed by Mexican nationals who have since fled to Mexico and remain untouchable. None of these cases have outstanding extradition requests.

Until U.S. law enforcement sees their efforts rewarded by the return and prosecution of alien felons, they will not be aggressive in pursuing these individuals. Violent criminals will remain free to prey on families like those of Susan and Antonio Manriquez. We will all lose.

Mr. Chairman, it is my great hope that this hearing will intensify the existing pressure for the United States and Mexico to reach an agreement on the enforcement of extradition and that, following that agreement, Mexico will return these accused felons to stand trial in the United States.

I thank you for your work in this area and appreciate being given the opportunity to appear before you.

[The prepared statement of Mr. McCandless follows:]

AL McCANDLESS
44TH DISTRICT, CALIFORNIA

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# Congress of the United States
## House of Representatives
## Washington, DC 20515-0544

**Statement of the Honorable Al McCandless**
**before the**
**Subcommittee on**
**Information, Justice, Transportation and Agriculture**

**November 9, 1993**

Mr. Chairman, I'd like to commend you for holding this hearing on the status of US/Mexican extradition. I am just sorry that we are not here to celebrate the new bilateral extradition enforcement agreement that we have all been awaiting.

During a recent Government Operations Committee visit to Mexico, I discussed the problem of Mexican extradition with United States Ambassador James Jones. Ambassador Jones told both Chairman Condit and me of the anticipated signing of a bilateral extradition enforcement agreement. According to the Ambassador, this agreement was expected to result in Mexico's extradition of its own citizens to stand trial for violent crimes committed in the U.S.. In fact, at the time of our visit just one month ago, the United States Embassy believed that an agreement would be reached during Attorney General Janet Reno's visit with Mexican President Salinas on October 11th. We had hoped that Mexico would begin extraditing its citizens to stand trial in the U.S. shortly thereafter.

Unfortunately, those discussion did not go as planned and negotiations are continuing. A phone conversation with the U.S. Legal Attache to our Embassy in Mexico last Friday shed no light on the status of those negotiations. The fact that both the State and Justice Departments have declined to appear today is not a hopeful sign.

I find this standstill particularly disheartening given my knowledge of Susan's case. Susan and her family were my constituents until January, and for several months we worked together in an attempt to expedite the extradition of the man believed to have kidnapped and assaulted her daughter. It was not an easy process. The Riverside County District Attorney oversees an extremely large and populous district and was swamped with cases. And, based on his past experience, it appears the D.A. did not have much faith that Mexico would return this assailant, whatever the evidence. Given that background, it was difficult to convince the D.A. to place Susan's file on the top of a stack of hundreds of other cases which appeared more likely to bear immediate fruit. It was a frustrating and saddening experience.



THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

I believe that Susan and her family encountered a tragic example of the chicken and egg syndrome. Although Sheriff Byrd and his deputies did an outstanding job of identifying and tracking the accused, the D.A. seemed unwilling to aggressively press a case which he did not believe was going anywhere; but the case could go no further until the D.A. completed the paperwork. What is even worse, this does not appear to be an isolated incident. According to the Orange County Register, of the 92 unresolved murders in Orange County, California, 43 are believed to have been committed by Mexican nationals who have since fled to Mexico and remain untouchable. None of these cases have outstanding extradition requests.

Until U.S. law enforcement sees their efforts rewarded by the return and prosecution of alien felons, they will not be aggressive in pursuing these individuals. Violent criminals will remain free to prey on families like those of Susan and Antonio Manriquez. We will all lose.

Mr. Chairman, my great hope is that this hearing will intensify the existing pressure for the United States and Mexico to reach an agreement on the enforcement of extradition, and that following that agreement, Mexico will return these accused felons to stand trial in the United States.

I thank you for your work in this area and appreciate being given the opportunity to appear before you.

Mr. CONDIT. Thank you, Mr. McCandless. I commend you for your efforts in this area and hope that we can continue to work together, as we have in the past.

Mr. Brown.

**STATEMENT OF HON. GEORGE E. BROWN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. BROWN. Thank you very much, Mr. Chairman. I will try and be brief, but I ask unanimous consent to file a more extensive statement with the committee, including the case report on two dozen cases from Riverside County.

Mr. CONDIT. Without objection, sir.

Mr. BROWN. Mr. Chairman, it is clear to all of us here, at least at this table, that the United States-Mexico extradition treaty is broken, and now is the time to fix it.

You have heard from witnesses earlier about the two cases which instigated our concern and efforts in this matter. These are certainly terrible situations that cry out for justice. Unfortunately, the law enforcement breakdown is directly related to the flat refusal of the Mexican Government, as a matter of policy, to ever extradite any Mexican national suspected of committing a crime in the United States, to stand trial in the United States, even in cases involving murder, aggravated assault, rape, and statutory rape. At least one of the cases that I am submitting involves multiple murders by one suspect.

This is the basic problem: the United States-Mexico extradition treaty does not square with Mexican national law very well. The treaty specifically authorizes each country to extradite its nationals but makes such extradition discretionary rather than mandatory. At the same time, the extradition of Mexican nationals to foreign countries is prohibited under Mexican law, except in exceptional cases.

In spite of a number of appeals from high-ranking United States officials, the Mexican Government has refused the formal extradition request for Mr. Zuniga Rios. As a matter of practice, the Mexican Government always rejects, out-of-hand, formal United States extradition requests. Even more disappointing and frustrating to United States law enforcement officials, the Mexican Government often fails to arrest suspects and to prosecute them, even under the applicable Mexican law.

Since there appears to be insufficient cooperation between the authorities in the two countries and incomplete communication amongst all of the law enforcement officials, a few district attorneys, including Los Angeles County, have devised a limited approach for securing some measure of cooperation from their counterparts.

For example, law enforcement authorities in San Diego and Los Angeles Counties use article 4 of the Mexican penal code to secure Mexican help in locating and prosecuting some suspected murderers. This procedure requires the U.S. authorities to gather and translate all pertinent information on a case into Spanish. That information is then passed to Mexican authorities to determine whether any prosecution is sought in Mexico and whether the suspect will stand trial in Mexico.

I have been told that drug-related crimes are not pursued in any manner. The potential for bribery to escape prosecution in Mexico is widely acknowledged. Mr. Chairman, now is an appropriate and opportune time for the United States Government to persuade the Mexican Government to abandon its nonextradition policy and to come into full compliance with the letter and spirit of the United States-Mexico extradition treaty.

I will not belabor this point. Obviously, in view of the vote next week on NAFTA, it is the assumption of the Mexican Government that they want and should have closer relationships on trade, and we believe that this is an opportune time to persuade them to engage in more cooperative activities in law enforcement as well as trade.

I want to submit, as I have already said, copies of all the official correspondence that Congressmen Clay Shaw, Ken Calvert, and other Members of Congress have had in recent months with President Salinas, President Clinton, Secretary of State Christopher, and Attorney General Reno so that may be made part of our record.

Mr. CONDIT. Without objection, that will be a part of the record.

[The prepared statement of Mr. Brown and the information referred to follow:]

Testimony of Congressman George E. Brown, Jr.
Before the Government Operations Subcommittee
on Information, Justice, and Agriculture
November 9, 1993

Once in awhile, something happens in our own communities that jolts our consciousness and carries with it much broader implications. That is precisely what has been unfolding over the past year in the Inland Empire -- that part of Southern California that I call home. It started with an abhorrent crime against a 5 year-old and the resulting human suffering and continuing injustice mount with every passing day.

The prime suspect in this case is a 28-year-old Mexican national, Serapio Zuniga Rios, who was in the U.S. at the time on a green card. A felony arrest warrant was issued by the Sheriff's Department of Riverside County, but not fast enough to prevent this suspect's flight back across the border into Mexico.

More than one year later, this suspect remains at large, even though his whereabouts in Mexico were known for several months until he vanished from his hometown three months ago.

But this is not an isolated case. It is altogether too common and symptomatic of a widespread, systemic law enforcement problem in need of immediate redress.

Because I suspected this to be the case, I wrote to local law enforcement authorities and directed my staff to speak with the regional FBI office in my region of Southern California to learn about their experiences. I was stunned when the Riverside County Sheriff, for example, sent back to me a report summarizing twenty-four violent crimes, almost all murders, for which there exist outstanding arrest warrants for fugitive Mexican nationals who are thought to be at large in Mexico. When asked, regional FBI officials confirmed the problem. This is also how Mr. Manriquez's tragic case came to my attention. Mr. Chairman, I submit for this hearing record copies of all this correspondence along with the Riverside County case summaries.

These cases are going nowhere for lack of cooperation from the Mexican Government and Mexican law enforcement authorities.

Accordingly, U.S. law enforcement officials have been forced to lower their expectations for Mexican cooperation drastically, to improvise, and to settle for effective Mexican follow-up on a tiny fraction of the 31 different types of felonies to be prosecuted under the terms of the U.S.- Mexico Extradition Treaty.

One such method that San Diego and Los Angeles Counties have been using to locate and to facilitate the prosecution of some suspected murderers stems from Article IV of the Mexican Penal Code. U.S. authorities are required to translate complete case files into Spanish and to provide all pertinent evidence to counterpart Mexican authorities to review. It is left to the discretion of Mexican authorities whether prosecution is sought in Mexico and whether the suspect stands trial in Mexico.

This limited approach has obvious shortcomings.

First of all, under the 1978 U.S.-Mexico Extradition Treaty, thirty-one different types of felonies are to be considered for extradition. But in practice Article IV prosecutions are pretty much sought only in high-profile murder cases according to the wishes of the Mexican Government. (Fewer than 50% of murder suspects are processed for possible Article IV prosecution.) According to the San Diego District Attorney's Office, it has been stated that "other types of criminal prosecutions could overburden the informal system."

Second, it has been reported to me that drug-related crimes de facto are not among those eligible for possible Article IV prosecutions.

Third, the potential for bribery to escape prosecution in Mexico must also be recognized. I have been made aware of one case involving a Mexican suspect who is wanted for rape and murder in California and who reportedly escaped prosecution in Mexico by paying $900 to local Mexican police who first detained him.

Fourth, the capacity to pursue any Article IV redress does not exist in many locales. None of the local law enforcement offices in the Inland Empire have this option now.

Little wonder then that some local district attorneys are reluctant to invest their limited resources pursuing cases and preparing formal requests for the extradition of Mexican suspects who are wanted for serious crimes and who return to Mexico to avoid prosecution. Parenthetically, that is probably why it took a letter co-signed by Congressmen Shaw, McCandless, Hunter, and me to persuade the Riverside District Attorney's Office to initiate the paperwork to set in motion an extradition request for Zuniga Rios. (Copy attached.)

The sad truth is the Mexican Government has never allowed any Mexican national to be extradited to the U.S. to stand trial, no matter how serious the crime. Moreover, one reputable law enforcement official estimates that fewer than half of the Mexican nationals suspected of committing serious felonies while in the U.S. are ever pursued for prosecution under corresponding Mexican national laws.

How can this be?

After all, there exists a U.S.-Mexico Extradition Treaty. But it effectively works as a one-way street in practice.

Specifically, Article 9 of the 1978 U.S.- Mexico Extradition Treaty authorizes each country to extradite its own nationals, but makes such extradition discretionary rather than mandatory. However, whenever a country refuses to extradite a national when formally requested to do so, that country is obligated to submit the case to its local authorities for domestic prosecution.

But in practice the Mexican Government always rejects out of hand formal U.S. extradition requests and commonly fails to prosecute suspected felons, in obvious defiance of its treaty obligations and diplomatic assurances.

The odds for those seeking justice in such cases get even longer for U.S. citizens who approach U.S. federal agencies for help.

Witness the fact that it took the U.S. Justice and State Departments more than eight months, under repeated prodding by Congressman Clay Shaw and me, to even formally request of the Mexican Government that they extradite Serapio Zuniga Rios to stand trial in California. Last June after the formal extradition request was made and U. S. Secretary of State Christopher personally underscored U.S. concerns about the case with Mexican Foreign Secretary Solana, the extradition request was summarily denied. I am told that the Mexican Government took the position that Mexican law prohibits the extradition of its nationals, even though it does allow it in "exceptional cases."

These cases and the very serious, systemic problems that they highlight confronting U.S. law enforcement agencies have raised many questions in my mind and have stirred many on-going concerns I have about far-reaching unresolved issues between the U.S. and Mexico, including whether to approve NAFTA and its supplemental accords.

If in the judgement of the Mexican Government, the case from Riverside County is not covered by the "exceptional circumstances" provision in Mexican law that allows extradition, then what type of crime would prompt them to extradite a Mexican national?

What conclusions can one reasonably draw from both cases you have heard about today about the rule of law within Mexico?

If we cannot count on the Mexican Government's full and effective cooperation and good faith in law enforcement and very serious criminal justice matters, then how much confidence can we have in their readiness to uphold other commitments on other bilateral problems of mutual concern?

Based upon the malfeasance of the Mexican Government in criminal cases of these sorts, should U.S. businessmen credibly expect their contracts to be upheld and U.S. intellectual property rights to be legally and effectively protected in Mexico under the terms of the impending NAFTA or otherwise?

Because of questions like these, I initiated and Congressmen Clay Shaw and Ken Calvert co-signed my letter to Mexican President Salinas last July. We respectfully asked that the Mexican Government take immediate action to have Serapio Zuniga Rios arrested and extradited forthwith to stand trial in the U.S. for more than two months, the Mexican Government did not even acknowledge receipt of our letter, let alone thoughtfully respond to it. I placed repeated phone calls to the Mexican Embassy in Washington D.C. in search of a reply. Finally in late September, one day after I began speaking out publicly in The Congressional Record, I did receive a brief letter from the Mexican Ambassador in Washington, D.C. Stating that an arrest warrant had been issued and a task force set up to look for Zuniga Rios. That was one year after the crime had occurred. I submit this correspondence for the record along with another unanswered letter that Congressman Shaw and I and forty-eight other members of the House sent to Mexican President Salinas on October 22nd.

Frankly speaking, Mr. Chairman, the U.S. - Mexico Extradition Treaty is broken and now is the time to fix it.

Now is an appropriate and opportune time for the U.S. Government to persuade the Mexican Government to abandon its non-extradition policy and to come into full compliance with the letter and spirit of the U.S. - Mexico Extradition Treaty. While Mexico is not the only country that declines to extradite its nationals when sought for crimes committed in the U.S., it makes sense that the U.S. Government seek more cooperation from the

Mexican Government in this regard at this point in time. This would clearly establish that countries seeking much closer and preferential trade ties with the U.S. can reasonably be expected to pursue much closer cooperation in law enforcement and criminal justice matters among a broad range of equally important, cross-cultural, bilateral concerns.

Fortunately, a very promising venue is now open to the Clinton Administration to seek a change in Mexican Government policy.

Unbeknownst to most Americans, there are bilateral consultations in progress between high-ranking U.S. and Mexican law enforcement officials. (I submit the following explanatory newspaper clippings from the June 22, 1993 editions of The New York Times and The Washington Post.) In fact, these consultations originally arose from a Mexican Government request that the U.S. Government commit to never again pursue any cross-border kidnapping of any Mexican national to face criminal charges in the U.S.

These consultations should not be one-sided. While I concur that the U.S. ought not engage in cross-border kidnappings, the U.S. ought to secure a change in the Mexican Government's policy of non-extradition in return. After all, one wonders whether any cross-border kidnapping would ever have been contemplated if more cooperation from Mexican law enforcement authorities had been forthcoming.

My view is that these consultations offer a prime opportunity for the U.S. Government to request that the Mexican Government change its policy against the extradition of suspected felons to stand trial in the U.S. for crimes they are accused of committing in our country. At the very least, U.S. negotiators should secure binding guarantees from the Mexican Government that Mexican authorities will vigorously pursue, arrest, and prosecute to the full letter of mexican law any suspected felons who flee to Mexico to avoid prosecution in the U.S. With the proposed North American Free Trade Agreement (NAFTA) before the Congress this fall, now is a crucial time to impress upon the Mexican Government the primacy of the rule of law, especially not just in commercial trade considerations.

I want to submit for this hearing record complete copies of all the official correspondence that Congressmen Clay Shaw, Ken Calvert, and I have had in recent months with Mexican President Salinas, President Clinton, U.S. Secretary of State Christopher, and U.S. Attorney General Reno to urge them to pursue this course of action.

In conclusion, Mr. Chairman, there can be no excuse for the pain and suffering that that little girl and her family, the Manriquez family, and many other U.S. citizens are having to twice endure. First, they are victims of heinous crimes. Second, their faith in the rule of law in the pursuit of simple justice grows shakier every passing day because of the callous and unacceptable manner in which the Mexican authorities have mishandled their cases and many others like them.

GEORGE E. BROWN, JR.
CHAIRMAN,
COMMITTEE ON
SCIENCE, SPACE, AND TECHNOLOGY
VICE CHAIRMAN,
COMMITTEE ON AGRICULTURE
MEMBER,
TECHNOLOGY ASSESSMENT BOARD

Congress of the United States
House of Representatives
Washington, DC 20515-0542

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September 13, 1993

Sheriff Cois Byrd
Riverside County
P.O. Box 512
4050 Main street
Riverside, California 92502

Dear Cois:

I am writing on a law enforcement matter that I am confident is of great mutual concern. Enclosed you will find copies of letters that I initiated to Mexican President Carlos Salinas and to President Clinton, Secretary of State Warren Christopher, and Attorney General Reno about an egregious crime committed against a 5-year-old girl in Riverside last September. The prime suspect is a Mexican national who fled across the border to avoid prosecution.

Certainly this case is horrible on its own terms and cries out for justice. I am doing everything I can to see the suspect apprehended and brought to trial.

At the same time, this case has brought into focus for me the great and urgent need for much more cooperation from the Mexican Government and Mexican law enforcement authorities in cross-border apprehension of suspected felons who return to Mexico to avoid prosecution for serious crimes they commit in the U.S.

Unbeknownst to most Americans, there are bilateral consultations going on right now between high-ranking U.S. and Mexican law enforcement officials about criminal justice matters. (See enclosed newspaper clippings.) These consultations sprang from a Mexican request that the U.S. commit ourselves never again to pursue a cross-border kidnapping of any Mexican national to face charges in the U.S.

My view is that these consultations also offer a great opportunity for the U.S. Government to insist that the Mexican Government change its policy against the non-extradition of suspected felons to stand trial in the U.S. At the very least, we should extract much more credible commitments from Mexican law enforcement officials to vigorously pursue and arrest suspected felons who seek safe refuge in Mexico and to prosecute them to the full letter of applicable Mexican national laws. With the proposed North American Free Trade Agreement (NAFTA) before the Congress this fall for approval, now is a particularly critical time to impress upon the Mexican Government the primacy of rule of law, not just in commercial trade considerations.

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As you might suspect, now is a critical time to seek redress of this very important law enforcement problem that I suspect you must deal with daily. I will continue to pursue it vigorously, but I need your help.

Specifically, I need to show that the case involving the little girl in Riverside County is but one of many serious felony cases involving Mexican and other foreign nationals who are languishing because the suspect has fled to Mexico or elsewhere outside the U.S. and because the counterpart law enforcement officials have not cooperated in finding the suspect and bringing him/her to trial.

I hope you can provide me with brief summaries (one page or less) of cases involving pending felony warrants in your jurisdiction that principally involve Mexican fugitives. In turn, I will use your brief summaries of the pertinent facts in each case for official purposes to try and persuade President Clinton and his Cabinet officers to seize the opportunity to secure a Mexican policy change that will yield much better cooperation in such cases.

I am limiting my inquiry in the interest of time just to cases and pending warrants involving murders, aggravated assaults, or rapes that occurred within your jurisdiction. Basically, I am seeking your expedited responses to three threshold questions:

(1) How many outstanding felony warrants does your department have primarily for fugitive Mexican nationals who have fled back to Mexico to avoid possible prosecution for murder, aggravated assault, or rape? How many are pending for all other foreign nationals (in aggregate) in these three categories?

(2) For any such outstanding warrants, does your department have current knowledge as to where the suspect can be apprehended inside Mexico or other foreign country? If so, please share whatever information you can with me in that regard that I might use to concentrate the attention of Mexican and U.S. Government officials on the need to detain these suspects and put in place new policies that will allow you and other local law enforcement agencies in Southern California to overcome the current maddening situation that exists.

(3) Am I correct in surmising that a serious problem exists as a result of the non-extradition policy of the Mexican Government and its refusal, to date, to seriously pursue prosecution in Mexico for many serious felonies committed in our region and elsewhere in the U.S.? Please feel free to expand upon your answer and provide me with any pertinent statistics or other information that will help build momentum for constructive change.

Thank you very much for lending your expertise and insights in this matter, especially supplying this information to me on an expedited basis. If it is easier to provide it to me in increments that would be fine as well. Bill Goold and Lisa Frontis of my staff at 202-225-6161 will be handling the staff work on this priority concern.

Sincerely yours,

George E. Brown.

George E. Brown, Jr.
Member of Congress

GEB:jwg

RIVERSIDE COUNTY
COIS BYRD, SHERIFF

Sheriff

P.O. BOX 512 • RIVERSIDE, CALIFORNIA 92502 • (909) 275-2400

October 12, 1993

Honorable George E. Brown
Congressman, 42nd District
U.S. Congress
Washington, D.C. 20515-0542

Dear Congressman Brown:

The information you requested was not readily available due to the information management systems in place within Riverside County. We were able to obtain information from four different sources; the Riverside County Sheriff's Warrants Section, Sheriff's Stations in Indio and Riverside, the Riverside District Attorney's Office, and from individual investigators within the Sheriff's Department.

Attached is a synopsis of those investigations that were identified through the above sources. The cases are not a conclusive accounting of the incidents involving Mexican nationals, however, they represent a best effort attempt to identify those cases of interest to you. As our inquiry continued, more cases were brought to our attention that were not readily available.

AS you will see, there are several cases that involve Mexican nationals whom we believe have fled to Mexico. The problem of returning alien offenders to stand trial for crimes committed in the United States is significant. Extradition for criminal offenders between all nations should be a cooperative effort when sufficient evidence exists that would lead a reasonable person to believe that a criminal offense was committed by the party in question.

The ability for offenders to flee to another country, South or North, knowing that the crossing of a border is similar to entering into a safe house, is not acceptable. It is a major problem for all parties involved. There should be no free zones where criminal offenders can hide from justice.

I hope this information is helpful and please excuse the delay. If I or other members of the Riverside Sheriff's Department may be of assistance, please call.

Sincerely,

Cois Byrd

COIS BYRD, SHERIFF

CB:BD:jb

Case Synopsis #1:

Date: 03/24/82
Crime: Murder/Robbery
Location: Rupp Rd X of Bluff Rd, Norco, CA.
Case # G182083012,
Victim: Gomez, Alberto,
Suspect: Garcia, Marcos, Latin Male last known to be in Vera Cruz, Mexico

At approx 1513 Hrs, 03/24/82, deputies responded to a reported fire at the above address. The victim was found, burned beyond any immediate recognition to include the race or sex. The investigation determined the victim was alive though not necessarily conscious when he was bound, gagged, placed into a suitcase and then set afire.

Additional investigation found the victim to be an Alberto Gomez of Guadalajara, Mexico. The motive was robbery of about $10,000.00 in cash from Gomez. When the investigation focused on Garcia as the suspect, he fled to Vera Cruz, Mexico where it is believed he is staying with relatives.

After an exhaustive two month investigation, Mexican authorities were contacted via the "International Liaison" of San Bernardino Sheriff's Office. Mexican authorities advised they would not extradite Mr. Garcia as he is a Mexican National. Mexican authorities would prosecute in Mexico. There is an active arrest warrant for Mr. Garcia.

Case Synopsis #2:

Date: 02/05/88
Crime: Attempted Murder
Location: Newport Rd & Hwy 15, Lake Elsinore, CA.
Case #FR88036037
Victim: Cook, John, Peace Officer, Riverside S.O.
Suspect: Quintaro, Enrique, Latin Male last known to be in Mexicali, Mexico

At approx 1215 Hrs, 02/05/88, the U.S. Border Patrol was in pursuit of a vehicle carrying illegal aliens. Deputy John Cook of the Riverside County Sheriff's Department entered into the pursuit to assist Border Patrol. In the course of the pursuit, the driver of the vehicle carrying the illegal aliens, Enrique Quintaro, deliberately rammed the Sheriff's unit driven by Deputy Cook. The force caused major damage to the unit and severe injury to the neck and back of Deputy Cook. Further, Quintaro attempted to ram a second vehicle belonging to the U.S. Border Patrol. The attempt was unsuccessful.

After the arrest of Quintaro, he was released pending further investigation. Subsequent to his release, Quintaro fled to Mexico. An outstanding warrant for Enrique Quintaro exists to this date.

Case Synopsis #3:

Date: 03/26/90
Crime: Murder
Location: 21140 Senola Ave, Perris, CA
Case # FR90085002
Victim: Ramirez, Maximino
Suspect: Cabellas, Raul, residing in Mexico

At approx 0025 Hrs, 03/26/90, the suspect, Cabellas and victim, Ramirez were seen standing in front of a bar in Perris,CA. Just prior to this, they were observed in the bar where they had a verbal argument. Shortly after the victim was seen sitting on a large boulder, outside of the bar, four gunshots were heard. When bar patrons went into the parking lot they found the victim dead on the ground. The suspect had fled by this time.

The cause of death was determined to be multiple gunshot wounds.

The investigation determined the suspect is a migrant farm worker who resides in Mexico. Positive ID was made on the suspect through friends who know him. There is a warrant for Cabellas' arrest and he remains at large. It is believed the suspect has fled back to Mexico.

Case Synopsis #4:

Date: 01/19/92
Crime: Child Abduction
Location: 5618 Tilton Ave, #183, Riverside, CA
Case #DAR92017001, (Riverside DA's Office)
Victim: Cerda, Angel (Age 6) and Cerda, Maria (mother of child)
Suspect: Cerda, Miguel A., Latin Male believed to be in Ferrocarril #11, Yurecuaro, Mexico.

Maria and Miguel Cerda were married in 1984 and in June 1990, they separated. Maria Cerda was given custody of the children. In December 1991, Miguel Cerda was given permission by Maria Cerda to take Angel Cerda with him to Mexico for a short vacation. Miguel Cerda never returned the child. On March 5, 1992, an application for assistance under the Hague Convention was completed.

In December 1992, Miguel Cerda was arrested while in the U.S. Since he did not have Angel Cerda with him, he was "held" until the child was returned to Maria Cerda. In that same month, Angel Cerda was released back to Maria Cerda. Prosecution against Miguel Cerda is still pending for the Child Abduction. An arrest warrant exists for Miguel Cerda.

Case Synopsis #5:

Date: 07/25/92
Crime: Murder
Location: 4959 Newcastle, Pedley, CA

Case #ER92207102
Victim: Perez, Higinio
Suspect: Esparza, Alfonso, Latin Male last known to be in Mexico

On 07/25/92, deputies of the Riverside County Sheriff's Department proceeded to the above address to investigate a reported murder. It was learned that the victim died from a single gunshot wound to the head.

Further investigation discovered the victim was married to the suspects sister. Apparently the suspect was angry with the victim for not taking better care of her financially. Prior to the murder, the suspect warned the victim that he intended to kill him on sight. Since the shooting, the suspect has fled. The last known address of the suspect was in Riverside, however he has since left the address and fled to Mexico. There is a warrant issued for the suspect as he still remains at large.

Case Synopsis #6:

Date: 11/01/92
Crime: Murder
Location: 3834 Byron St, #7, Home Gardens, CA.
Case #ER92306045
Victim: Hernandez, Marcelino
Suspect: Alvarez, Gustavo and Sosa, Enrique, Latin Males residing in Colonia Sta Barbara, Ixtapaluca, Mexico.

At approx 0200 Hrs, 11/01/92, both suspects and the victim were in the residence, drinking beer. During an argument Hernandez and the two suspects became involved in a physical altercation. Either one or both of the suspects stabbed Hernandez approx twenty-four times. Hernandez died from multiple knife wounds.

Based on information from a witness, the suspects fled to Tijuana, Mexico with intent to go to their home town of Ixtapaluca. There are arrest warrants out for both suspects. The suspects remain at large.

Case Synopsis #7:

Date: 09/14/92
Crime: Burglary, Kidnapping & Sexual Abuse
Location: La Cresta, CA
Case #SWR92258014
Victim: Confidential Information (age 5 years)
Suspect: Rios, Serapio Z., Latin Male who has fled to San Juan Del Rio, Queretaco, Mexico.

At approx 4:00 AM, 09/14/92, the suspect entered the residence of the victim, entered her room and took her from the residence. Once outside, the suspect bound the victim with a blanket, raped, sodomized and physically abused the four year old victim. The suspect then fled from the area, leaving the victim bound where she

managed to get free on her own.

Through an exhaustive and on going investigation, it was learned that Rios is the suspect. Rios has fled to his home town in Mexico where it is believed he is residing today. There is a warrant for the arrest of Rios.

Case Synopsis #8:

Date: 7/27/92
Crime: Murder
Location: 24505 Read St. Perris, CA
Case #FR92209051
Victim: Suarez, Jorge Zinzu
Suspect: Unidentified Mexican National (see below)

At approx 2230 Hrs, 07/27/92, the victim was found on a sidewalk near the Read address. He had been shot in the front and back of the torso with several gunshots from a .22 Cal weapon. The initial investigation had revealed no suspects and the case, though active, was inactive pending additional information.

During an unrelated investigation, Case #FR93234033, the victims sister related she had information into the murder and indicates the suspect had returned to Mexico. It is expected the suspect will be identified as the investigation continues.

Case Synopsis #9:

Date: 8-22-93
Crime: Murder
Location: 28915 Ave. Estrella, Quail Valley, CA
Case #FR93234033
Victim: Macias, Nicholas
Suspect: Malagon, Roman T. believed to have fled to Vera Cruz, Mexico

At approx 2030 Hrs, 08/22/93, the victim was at his girlfriend's residence on Avenida Estrella, Quail Valley. As he was waiting for his girlfriend to exit the residence, the suspect drove by, shooting the victim five times with a handgun.

Further investigation into the case learned the suspect was the ex-boyfriend of the girl the victim was waiting for. Immediately following the shooting, the suspect fled to Vera Cruz, Mexico. There is a warrant for Malagon's arrest.

Case Synopsis #10:

Date: 9/15/91
Crime: Murder
Location: 75950 Hwy 195, Thermal, CA.
Case #CR91258009
Victim: Machiche, Magdelena

Suspect: Soto, Jose M. of Acambaro, Guanajunato, Mexico

At approx 2400 Hrs, 9/15/91, the suspect picked up the victim from a local bar. He had promised the victim to give her a ride home. While enroute to the residence, the suspect raped the victim. After the rape, the victim ran from the vehicle to get away. The suspect chased after the victim with the vehicle, running her over causing her death.

After the murder, the suspect fled to his home town in Mexico. During the investigation, investigators from the Indio Station of the Riverside County Sheriff's Department were able to make contact with the Mexican State Judicial Police who are responsible for the city the suspect resided in. The "commander" of the police told the investigators they would interview the suspect.

About one day later, Indio investigators received a telephone call from a relative of the suspect. The relative related the Mexican police did contact the suspect and took him away for questioning. The suspect returned a short while later explaining he bribed the police with three million pesos ($900.00) to let him go. The relative related the suspect fled to Mexico City, Mexico.

There is no warrant for the suspect as he needs to be interviewed. The case remains open pending additional investigation.

Case Synopsis #11:

Date: 9/03/93
Crime: Murder
Location: Harrison St X Avenue 66, Thermal, CA
Case #CR93246021
Victim: Flores, Felipe
Suspect: Ornelas, Mario of Mexicali, Mexico

At about 1640 Hrs, 9/3/93, the suspect and victim were playing poker for money. In the course of the game, the suspect was caught cheating and a physical altercation ensued. The suspect left and a short while later returned with a handgun. The suspect fired once at the victim, hitting him in the chest. The suspect then fired several more shots at the victims vehicle and fled the area.

During the investigation, the suspect fled to Mexicali, Mexico. There is a warrant for the suspects arrest.

Case Synopsis #12:

Date: 5/13/92,
Crime: Rape
Location: Moraga Indian Reservation
Case #BR92121007
Victim: Ward, Erica (14 Years old)
Suspect: Vale, Eric, currently in Mexico

In March 1992, the victim and suspect were walking somewhere on the reservation. The suspect under the pretext of being a friend, asked the victim to get into a car with him. Once in the car, the suspect forcibly had sex with the victim. At the time, the victim declined to report the incident as she believed the suspect to still be a friend. Again, in April, 1992, the suspect rapes the victim a second time, in a car. The victim reported the second rape.

In the course of the investigation, the suspect flees to Mexico. There is a warrant for the suspects arrest.

Case Synopsis #13:

Date: 7/26/92
Crime: Murder
Location: 14545 Chandler Ave, Eastvale, CA
Case #ER92208024
Victim: Martinez, Andres
Suspect: Romero, Joaquin of San Martin, Michoacan, Mexico

On 07/26/92, the victim and suspect had gone to a wedding in Chino, CA. After returning to Eastvale, the suspect and victim become involved in an argument. The reason for the argument is not known. During the fight, the suspect and witness are pulled apart. The suspect then obtains a kitchen knife, stabs and kills the victim.

The suspect flees to Mexico following the incident. A warrant is issued for the suspect.

Case Synopsis #14:

Date: 10/15/92
Crime: Murder
Location: 38th St and Hall, Rubidoux, CA
Case #ER92289042
Victim: Lujan, Priscilla
Suspect: Ramirez, Jesus C. of Michoacan, Mexico

On 10/15/92, a passer-by sees the victim's body to be under a tree at the above location. It was determined the victim was killed by multiple stab wounds. As the body was badly decomposed, the exact time and circumstance of the death could not be established. The suspect was the "quasi" boyfriend of the victim and it is suspected through available evidence that he killed her.

The suspect resides in Michoacan, Mexico. There is a warrant for his arrest.

Case Synopsis #15:

Date: 1/3/93
Crime: Murder
Location: 1377 Villa St, Highgrove, CA
Case #ER93003104

Victim: Chaparro, Ricardo
Suspect: Montez, Wilfrido of Tijuana, Mexico

The victim was seeing a married woman, Imelda. During this time, the suspect and another latin male named "Chuey" were talking to others about the affair. When Imelda heard about this, she told the victim. Following this, the victim was observed to have assaulted Chuey and later the suspect, Montez for talking about their affair. At some point, the suspect obtained a shotgun in an apparent effort to stop the victim. The suspect fires two rounds into the ground in an effort to stop the victim. The victim continues his attack and the suspect fired the weapon once at the head of the victim, killing him.

The suspect after the incident flees to Mexico and is believed to be residing in Tijuana. There is a warrant for the suspect.

Case Synopsis #16:

Date: 09/25/93
Crime: Double Murder
Location: 22911 Lamore, Perris, CA
Case #ER93268148
Victim #1: Tovar, Erlinda, Victim #2: Ruiz, Johnna
Suspect: Gonzales, Julian residing in an unknown city in Mexico.

On 9/25/93, the suspect and his girlfriend, Stella Meza become involved in a verbal altercation after the suspect returns home in an intoxicated state. When the suspect hits Meza, she calls her sister, Tovar to come over and help her.Tovar and her daughter Ruiz, come to help Meza. As they get into a verbal altercation, the suspect draws a sawed off shotgun, shoots and kills the two victims. When the suspect shot the victims, they fell to the ground directly behind his vehicle. The suspect got into his vehicle and attempted to drive off, running over the two victims. The vehicle became stuck. The suspect then fled from the area on foot.

This investigation is continuing and a warrant for the suspect is forthcoming.

Case Synopsis #17:

Date: 3/20/93
Crime: Murder
Location: 5190 Etiwanda St, Mira Loma, CA
Case #ER93079020
Victim: Mendez, Juan M.
Suspect: Gonzales-Duran, Jose E. of Guerrero, Mexico

The suspect, the victim and victim's brother were in a bar playing pool. The victim entered into an argument with the suspect regarding a pool game. After the argument, the victim and his brother leave the bar where they are confronted by the suspect who had by this time exited the bar and was waiting for them. As the

victim got into his vehicle, the suspect shot the victim twice in the chest with a handgun.

The suspect following the shooting, fled to Mexico and is believed to be in Guerrero, Mexico. There is a warrant for the suspect.

Case Synopsis #18:

Date of Incident: 03/17/84
Crime: Murder
Location: 1385 Villa, Highgrove, CA
Case #ER84077045
Victim: Galvez, Juan
Suspect: Beltran, Alfonso believed to be in an unknown city in Mexico

There is little information on this murder. The victim who was found on a kitchen floor of his residence was killed from a single gunshot wound to the head.

There is an active warrant for the suspect.

Case Synopsis #19:

Date of Incident: 01/11/86
Crime:Murder
Location: Transit St, Highgrove, CA
Case #ER86011015
Victim: Ybarra, Michael
Suspect: Huato, Miguel believed to be in an unknown city in Mexico.

During a bar fight, the victim and suspect went outside. Once outside, the suspect using a handgun, shot the victim once in the head, killing him.

There is an arrest warrant for the suspect.

Case Synopsis #20:

Date of Incident: 03/17/87
Crime: Murder
Location: 14560 Chandler, Eastvale, CA
Case #ER87076065
Victim: Alvarez, Jose
Suspect: Guizar-Garcia, Jesus residing in an unknown city within Mexico

The victim went to the suspects house, believing the suspect had his stolen welder. As the suspect is confronted, the suspect shoots the victim several times with a firearm, killing him.

There is an arrest warrant for the suspect.

Case Synopsis #21:

Date of Incident: 06/17/88
Crime: Double Murder
Location: Indiana and Grant St, Home Gardens, CA
Case #ER88169062
Victim: Villa, Robert and Ramirez, Phillip
Suspect: Gonzales, Miguel believed to have fled to Juaregui, Mexico

The suspect who was in a vehicle drives by the two victims who were in another vehicle. The suspects fires in to the victims vehicle, killing both of the victims. It is believed the shooting was in retaliation for an earlier robbery committed by the victims.

There is an active arrest warrant for the suspect.

Case Synopsis #22:

Date of Incident: 12/15/88
Crime: Multiple Murder (5)
Location: 6049 Mission, Rubidoux, CA
Case #ER88350136
Victims: 1) Baez, Manuel, 2) Baez, Ramon, 3) Anguiano, Demecio, 4) Martinez, Armando, 5) Parra, Jorge
Suspects: 1) Perez, Paul, 2) Perez, Accension. Accension Perez is believed to be in Sinoloa, Mexico.

The victims and suspects were in a bar drinking when Suspect #1 opens fire on the victims. Suspect #1 flees and is later arrested. When he confesses, he advises that Suspect #2 who is armed with an Uzi 9mm type weapon had also opened fire. Suspect #2 was never found and believed to have fled to Mexico.

There is an arrest warrant for Accension Perez.

Case Synopsis #23:

Date of Incident: 09/16/91
Crime: Murder
Location: 13352 Tilton St, Home Gardens, CA
Case #ER91259148
Victim: Portillos, Ellisa Ann
Suspects: 1) Hernandez, Allan, 2) Parraz, Alfred both are believed to have fled to Michoacan, Mexico.

Several months before the murder, the victim borrowed $2,000.00 from Hernandez. The suspects went to the victim's residence in an effort to collect the debt. When the victim said she didn't have the money, an argument ensued. During the argument, suspect Parraz drove away while suspect Hernandez fired from the moving vehicle. One bullet struck the victim in the head, killing her.

There are actives warrants for both suspects.

GEORGE E. BROWN, JR.
CHAIRMAN,
COMMITTEE ON
SCIENCE, SPACE, AND TECHNOLOGY
VICE CHAIRMAN,
COMMITTEE ON AGRICULTURE
MEMBER,
TECHNOLOGY ASSESSMENT BOARD

Congress of the United States
House of Representatives
Washington, DC 20515-0542

42D DISTRICT OF
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September 16, 1993

Mr. Ron Heller
Agent in Charge
Federal Bureau of Investigation
Riverside, California 92502

Dear Agent Heller:

I am writing on a law enforcement matter that I am confident is of great mutual concern. Enclosed you will find copies of letters that I initiated to Mexican President Carlos Salinas and to President Clinton, Secretary of State Warren Christopher, and Attorney General Reno about an egregious crime committed against a 5-year-old girl in Riverside last September. The prime suspect is a Mexican national who fled across the border to avoid prosecution.

Certainly this case is horrible on its own terms and cries out for justice. I am doing everything I can to see the suspect apprehended and brought to trial.

At the same time, this case has brought into focus for me the great and urgent need for much more cooperation from the Mexican Government and Mexican law enforcement authorities in cross-border apprehension of suspected felons who return to Mexico to avoid prosecution for serious crimes they commit in the U.S.

Unbeknownst to most Americans, there are bilateral consultations going on right now between high-ranking U.S. and Mexican law enforcement officials about criminal justice matters. (See enclosed newspaper clippings.) These consultations sprang from a Mexican request that the U.S. commit ourselves never again to pursue a cross-border kidnapping of any Mexican national to face charges in the U.S.

My view is that these consultations also offer a great opportunity for the U.S. Government to insist that the Mexican Government change its policy against the non-extradition of suspected felons to stand trial in the U.S. At the very least, we should extract much more credible commitments from Mexican law enforcement officials to vigorously pursue and arrest suspected felons who seek safe refuge in Mexico and to prosecute them to the full letter of applicable Mexican national laws. With the proposed North American Free Trade Agreement (NAFTA) before the Congress this fall for approval, now is a particularly critical time to impress upon the Mexican Government the primacy of rule of law, not just in commercial trade considerations.

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As you might suspect, now is a critical time to seek redress of this very important law enforcement problem that I suspect you must deal with daily. I will continue to pursue it vigorously, but I need your help.

Specifically, I need to show that the case involving the little girl in Riverside County is but one of many serious felony cases involving Mexican and other foreign nationals who are languishing because the suspect has fled to Mexico or elsewhere outside the U.S. and because the counterpart law enforcement officials have not cooperated in finding the suspect and bringing him/her to trial.

I hope you can provide me with brief summaries (one page or less) of cases involving pending felony warrants in your jurisdiction that principally involve Mexican fugitives. In turn, I will use your brief summaries of the pertinent facts in each case for official purposes to try and persuade President Clinton and his Cabinet officers to seize the opportunity to secure a Mexican policy change that will yield much better cooperation in such cases.

I am limiting my inquiry in the interest of time just to cases and pending warrants involving murders, aggravated assaults, or rapes that occurred within your jurisdiction. Basically, I am seeking your expedited responses to three threshold questions:

(1) How many outstanding felony warrants does your department have primarily for fugitive Mexican nationals who have fled back to Mexico to avoid possible prosecution for murder, aggravated assault, or rape? How many are pending for all other foreign nationals (in aggregate) in these three categories?

(2) For any such outstanding warrants, does your department have current knowledge as to where the suspect can be apprehended inside Mexico or other foreign country? If so, please share whatever information you can with me in that regard that I might use to concentrate the attention of Mexican and U.S. Government officials on the need to detain these suspects and put in place new policies that will allow you and other local law enforcement agencies in Southern California to overcome the current maddening situation that exists.

(3) Am I correct in surmising that a serious problem exists as a result of the non-extradition policy of the Mexican Government and its refusal, to date, to seriously pursue prosecution in Mexico for many serious felonies committed in our region and elsewhere in the U.S.? Please feel free to expand upon your answer and provide me with any pertinent statistics or other information that will help build momentum for constructive change.

Thank you very much for lending your expertise and insights in this matter, especially supplying this information to me on an expedited basis. If it is easier to provide it to me in increments that would be fine as well. Bill Goold and Lisa Frontis of my staff at 202-225-6161 will be handling the staff work on this priority concern.

Sincerely yours,

George E. Brown, Jr.

George E. Brown, Jr.
Member of Congress

GEB:jwg

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

11000 Wilshire Boulevard #1700
Los Angeles, CA 90024
September 20, 1993

George E. Brown
Congress of the United States
857 North La Cadena Drive
Colton, California 92324-2822

Dear Congressman Brown:

I received your letter dated September 16, 1993, requesting information on any criminal investigations the FBI has involving serious felonies which are languishing because the suspect has fled to Mexico or somewhere outside the United States and because counterpart law enforcement officials have not cooperated."

We are reviewing our files for this information and will respond in an expeditious manner.

Sincerely yours,

CHARLIE J. PARSONS

By Ronald Heller
Ronald Heller
Senior Supervisory Special Agent

GEORGE E. BROWN, JR.
CHAIRMAN,
COMMITTEE ON
SCIENCE, SPACE, AND TECHNOLOGY
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# Congress of the United States
## House of Representatives
## Washington, DC 20515-0542

October 11, 1993

Mr. Louis Freeh
Director
Federal Bureau of Investigation
U.S. Department of Justice
Constitution Avenue and Tenth Street, N.W.
Washington, D.C. 20530

Dear Director Freeh:

I am writing about an unresolved and unacceptable U.S. - Mexico law enforcement situation that I am confident if of great mutual concern to you, me, and many of my constituents -- the failure to apprehend a fugitive Mexican national who is the prime suspect in a brutal physical attack and sexual assault on a 4-year old girl in my region of Southern California and the much broader law enforcement problem that currently exists for lack of cooperation from the Mexican Government and its law enforcement officers.

Accompanying this letter, you will find copies of extensive, self-explanatory official correspondence I have had with President Clinton, Attorney General Reno, U.S. Secretary of State Christopher, and FBI officials in Southern California in pursuit of justice in this case as well as a more complete understanding of its broader policy implications.

In the latter regard, I asked for summary information and data on pending federal arrest warrants pertaining to cases that have arisen just in Southern California and which involve Mexican nationals who are accused of murder, aggravated assault, or rape and who have fled to Mexico to avoid prosecution in the U.S.

FBI Supervisory Special Agent Ronald Heller and Agent Jim Lannamann in the Riverside and Los Angeles offices have expressed great appreciation for my interest in this festering law enforcement problem. They confirmed that the Zuniga Rios case is not an isolated case, but rather one of many such pending cases involving fugitive Mexican nationals who are wanted to stand trial in Southern California. To better inform myself of this situation, I wrote and asked that they provide me summary information on all such pending cases in Southern California.

Last week, Agent Heller informed me that he had compiled all of the information that I had requested in mid-September and that it had been forwarded to FBI headquarters in Washington, D.C. Accordingly, I am writing to request your assistance in having this information delivered to me within the next ten days.

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Thank you very much for your attention and prompt assistance in this matter. My Legislative Director, Bill Goold, will follow up with your staff to receive the pertinent information for my review.

Sincerely yours,

George E. Brown, Jr.

George E. Brown, Jr.
Member of Congress

GEB:jwg

U.S. Department of Justice

Federal Bureau of Investigation

*Washington, D.C. 20535*

October 21, 1993

Honorable George E. Brown, Jr.
House of Representatives
Washington, D.C.

Dear Congressman Brown:

Your letters of September 16th and October 11th have been referred to me for a response. In your letters you relay your concern regarding fugitives who flee to Mexico to avoid prosecution in the United States. You requested information from the Los Angeles Field Office regarding pending Federal arrest warrants pertaining to cases which involve crimes of violence and in which it appears the fugitive fled to Mexico to avoid prosecution.

The Los Angeles Field Office of the Federal Bureau of Investigation (FBI) currently has 55 unlawful flight warrants issued for persons who have committed crimes of violence and who are believed to be out of the United States. Twenty-three of these individuals are believed to be in Mexico and the remaining individuals are believed to be in various other countries. Additionally, there are arrest warrants for approximately sixty-two subjects who have fled the United States and are wanted for a variety of crimes ranging from White Collar Crime to Drug violations. Although the exact locations of these fugitives are not known, information has been developed which is believed sufficient to locate a majority of the fugitives, if extradition was approved and assistance from the appropriate foreign government was available.

The Mexican Government does have a policy for extraterritorial prosecution available against Mexican citizens who have committed crimes in the United States. Law enforcement

Honorable George E. Brown, Jr.

agencies, including the FBI, utilize this process with notable success for crimes committed in California. In FBI cases the prosecutions in Mexico are based on the FBI's prosecutive reports. The Office of International Affairs, Department of Justice, is responsible for assisting state and Federal prosecutors with the procedures for extraterritorial prosecutions in Mexico.

The main problem in extraditing American citizens from Mexico for crimes committed in the United States is in locating them in rural areas and dependence upon a foreign government for assistance. In addition, American citizens of Mexican ancestry often have relatives and friends in Mexico who will assist them and hamper law enforcement efforts, but this is not unique to Mexico.

Thank you for your support of law enforcement and your interest in attempting to establish better procedures for bringing criminals to justice. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely yours,

John E. Collingwood

John E. Collingwood
Inspector in Charge
Office of Public and
Congressional Affairs

by: Charles E. Mandigo
Inspector - Deputy Chief

Congress of the United States
House of Representatives
Washington, DC 20515

December 1, 1992

Grover Trask, Esq.
District Attorney
4075 Main Street
Riverside, California 92501

Dear Mr. Trask:

We are writing you with respect to a tragic criminal case arising out of Riverside County, California. The victim in the case is a four-year-old girl, Ophelia Bohannon, who lives with her family at 39636 Via Caballos in the La Cresta area of Riverside County. Although you have the file on this case, we want to relate in the briefest fashion the facts as we understand them.

In the early morning hours of September 14, 1992, a Mexican national, legally in this country under a green card permit, broke into Ophelia's home, where she and her family were asleep. The man found a four-year old girl asleep in her bed, and then kidnapped, raped, and sodomized her. After leaving her for dead tied to a tree, he fled to Mexico.

A warrant has been issued for the suspect's arrest and he has been located in Mexico. Unfortunately, we have since learned that, based on past experiences with the Mexican government, we can expect officials there to attempt to prevent his extradition to the United States.

We have been in contact with a number of government officials about this case in Washington, D.C., and elsewhere--including the U.S. Departments of Justice and State, the White House, and the office of the California Attorney General--to effect the extradition of this man to stand trial in Riverside County. Although we have been told that these kinds of extraditions from Mexico have been impossible in recent years, we believe that we are in a position to exert significant political pressure on the Mexican government to extradite in this case, and hopefully set a precedent for future cases.

Before we can contact the Mexican government, however, we must get your office to begin the extradition process. Despite repeated contacts by telephone to your staff concerning this, we have learned that the extradition papers that must be completed by your office have not been filed yet. This is a critical step that must be accomplished before we can contact the Mexicans about effecting the extradition.

Please help us by directing your staff to complete the steps that must be done at the county level as soon as possible. This is an urgent matter. Again, we see this as an opportunity to set a favorable precedent with the Mexican government, particularly in light of the recently improved relations between our two countries. Thank you for your time and assistance in this important case.

Sincerely,

E. Clay Shaw, Jr., M.C.

Alfred A. McCandless, M.C.

Duncan Hunter, M.C.

George E. Brown, Jr., M.C.

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE
4075 MAIN STREET, FIRST FLOOR
RIVERSIDE, CALIFORNIA 92501
714/275-5400

GROVER TRASK
DISTRICT ATTORNEY

RANDALL K. FAGAMI
ASSISTANT DISTRICT ATTORNEY
WESTERN DIVISION

DON R. INSKEEP
ASSISTANT DISTRICT ATTORNEY
ADMINISTRATIVE DIVISION

SUE F. STEDING
ASSISTANT DISTRICT ATTORNEY
EASTERN DIVISION

JOHN L. REPLOGLE
ASSISTANT DISTRICT ATTORNEY
FAMILY SUPPORT DIVISION

December 4, 1992

Hon. George E. Brown, Jr., M.C.
Congress of the United States
House of Representatives
Washington, D.C. 20515

Dear Congressman Brown:

Thank you for your expression of concern regarding the case of People of the State of California v. Serapio Zuniga Rios. It is gratifying to note that members of Congress are concerned about criminal cases in which the victims are children who have been subjected to physical and/or sexual abuse. It is because these tragedies are visited upon hundreds of children in Riverside County every year (often by members of the victim's own household), that this office has established a special unit dedicated to the prosecution of cases of this nature.

The case your letter addresses is assigned to one of the deputy district attorneys within that unit. In addition to handling dozens of other cases of a similar nature, each of which is unique in its own fashion, that deputy has endeavored to perform the work necessary to seek extradition of the suspect in this case. As you are aware, the extradition process is both time consuming and laborious. This work has not been limited to simply establishing contact with the State Department and Office of the California Attorney General, and researching issues associated with seeking the suspect's extradition. Rather, the work has included analyzing the available evidence; preparing and filing the appropriate charging documents and obtaining the arrest warrant thereon; and providing direction to the local law enforcement agency in order to obtain additional information to prepare the legal documents upon which to base the extradition. This last aspect is still in progress and will be completed at as early a date as possible.

I am certain that you share my office's concern that as strong a case as possible be presented to support an extradition of the suspect. Because of the circumstantial nature of this case as it relates to the identity of the perpetrator, I trust you can appreciate the special care which must be applied to prosecuting this case, and the preparation of the documents to support the extradition request.

With these factors in mind, please rest assured that my office is undertaking to process the necessary documents as expeditiously as possible.

Very truly yours,

GROVER C. TRASK II
District Attorney

GCT:iw
#480

Congress of the United States
Washington, DC 20515

July 22, 1993

The Honorable Carlos Salinas de Gortari
President
Republic of the United Mexican States
Mexico City, Mexico

Dear President Salinas:

In many ways, your government has come to represent a new age in the politics and development of our hemisphere. We also believe that your efforts to broaden and improve relations between our two countries hopefully presages a new era of cooperation and mutual respect that will benefit the peoples of both nations, and we commend your leadership.

In that vein, we wish to bring to your attention a matter of the utmost concern to us, in the hope that your government will help us achieve a resolution satisfactory to all concerned.

In the early morning hours of September 14, 1992, a man broke into a family home in Riverside County, California. That intruder kidnapped a 4-year-old girl and then raped and sodomized her at a nearby work site. After that attack, this little girl was completely enwrapped in a blanket, tied to a tree, and left to die. It was a miracle that she survived this brutal assault.

The prime suspect in this crime is a 29-year-old Mexican national, Serapio Zuniga Rios, who was in the U.S. legally at that time on a green card. He is suspected of having fled across the border into Mexico immediately after the crime occurred. We have knowledge of his current whereabouts inside Mexico.

Pursuant to the terms of the U.S.-Mexico Extradition Treaty now in effect, the U.S. Government last month formally requested the extradition of this suspect for whom a felony warrant has been issued in Riverside County, California.

Our purpose in writing is to request in the strongest terms possible that your government take immediate action to have this suspect placed in custody by the appropriate Mexican law enforcement authorities and extradited forthwith to stand trial in the U.S.

We view this situation as an opportunity for our two countries to work together in an area of concern that has, in the past, been fraught with problems for both of our governments. But as you know, new bilateral discussions on extradition and related matters have begun. Since we recognize problems have arisen under the terms of the existing U.S. - Mexico Extradition Treaty, we strongly urge you to assist us in this pending case, thus setting the stage for resolution of broader extradition policy concerns.

Certainly, both of our governments should be responsive to the needs of the other in important matters such as this. Your help in this extradition case would also be greatly appreciated by the family of the 4-year old victim, the people of California and the rest of the United States, as well as members of Congress and other U.S. government officials.

We thank you for your assistance and look forward to hearing from you.

Sincerely yours,

Clay Shaw
Member of Congress

George E. Brown, Jr.
Member of Congress

Ken Calvert
Member of Congress

GEB:jwg

Embajada de México

Washington, D. C.,
September 22, 1993

The Honorable George E. Brown Jr.
United States House of Representatives
2300 Rayburn House Office Bldg.
Washington, D.C. 20515

003863

Dear Mr. Brown Jr.:

I refer to your letter of July 22, 1993, concerning Mr. Serapio Zúñiga Ríos, who is believed to have raped a four year old girl in the United States of America.

In this regard, I wish to point out that this subject was discussed by Secretaries Christopher and Solana, and Attorneys General Reno and Carpizo during the last Mexico-U.S. Binational Meeting. At that time, the Government of Mexico restated to the U.S. Government that Mr. Zúñiga will undergo criminal proceedings in Mexico. To that end, U.S. authorities have collaborated with Mexico by providing with the information they have on the case. Moreover, on the basis of the information provided by U.S. authorities, the competent Judge for criminal matters in Mexico has already issued a warrant of arrest against Mr. Zúñiga Ríos, and the Mexican Office of the Attorney General has assigned a special task group of the Federal Judicial Police to locate and arrest Mr. Zúñiga, who is apparently in Mexico.

I deeply appreciate your interest in this matter, and I hope that this information will be satisfactory and useful for you.

Should you have any additional questions, please do not hestitate to contact me.

Sincerely,

Jorge Montaño
Ambassador

# Press Release

*from*

**Rep. George Brown** — 42nd District of California

**Rep. Clay Shaw** — 22nd District of Florida

**FOR IMMEDIATE RELEASE**

OCTOBER 27, 1993

CONTACTS: Scott Spear
(202) 225-3026
Bill Goold
(202) 225-6161

## Fifty Members of Congress Appeal To Mexican President For Extradition of Suspected Felon And More Law Enforcement Cooperation

Today Congressmen Clay Shaw (R-Florida) and George E. Brown (D-California) released a letter co-signed by forty-eight other members of Congress and sent to Mexican President Carlos Salinas de Gortari in which they request that the Mexican Government re-consider its prior decision and agree to the formal extradition of Serapio Zuniga Rios. (Copy of letter attached.) There are outstanding state and federal arrest warrants for Rios who is wanted to stand trial for a brutal sexual assault on a five-year-old in Riverside County, California that occurred on September 14, 1992.

" To be stonewalled by the Mexican Government in our attempt to extradite and bring to justice the rapist of a four-year-old is absolutely outrageous," Shaw said. " It is time that Mexico cease from being a sanctuary for rapists and criminals and begin to prosecute individuals for violating laws that are internationally recognized."

" The failure to apprehend Mr. Zuniga Rios when his whereabouts were known in Mexico months ago," Brown stressed, "points out the need for much closer cooperation between U.S. and Mexican law enforcement authorities. This is just one of several cases from my region of Southern California alone that involve Mexican fugitives who are suspected of having committed murder, aggravated assault, or rape and who then fled to Mexico to avoid prosecution."

" U.S. Attorney General Reno and Mexican Attorney General Carpizo two weeks ago claimed that the impending North American Free Trade Agreement (NAFTA) would aid law enforcement cooperation between our two countries," Brown pointed out. " The best evidence to substantiate this claim would be a reversal of Mexico's long-standing refusal to extradite any Mexican national to stand trial in the U.S. or at least a legally binding commitment that Mexico will vigorously pursue and prosecute every suspected fugitive who flees prosecution for crimes he or she is alleged to have committed in the U.S."

Since July little-publicized bilateral negotiations have been under way between the U.S. and Mexico that could lead to closer cooperation on criminal justice matters. These negotiations were started in response to a request from the Mexican Government that the U.S. Government provide a binding guarantee never again to engage in a cross-border kidnapping of a Mexican national to stand trial in the U.S.

In 1985, Mexican drug traffickers captured, tortured, and killed Enrique Camarena, a U.S. Drug Enforcement Administration agent working in Guadalajara, Mexico. In 1990, U.S. agents kidnapped Humberto Alvarez Machain, a suspect in the Camarena case, and spirited him across the border.

# Congress of the United States

## House of Representatives

Washington, DC 20515

October 22, 1993

The Honorable Carlos Salinas de Gortari
President
Republic of the United Mexican States
Mexico City, Mexico

Dear President Salinas:

We are writing to request that your government assist in the extradition of Serapio Zuniga Rios to the United States to stand trial in Riverside County, California, for crimes he has been officially charged with committing there on September 14, 1992.

We are also aware of the refusal of the Mexican government to extradite its citizens to the United States and of its specific refusal to extradite Mr. Rios in this case, despite the existence of an extradition treaty between our two countries. We also understand that Mexican law permits the extradition of its citizens to the United States in "exceptional cases." Clearly, Mr. President, the facts of this case make it exceptional.

To reiterate, in the middle of the night just over a year ago, on September 14, 1992, a man broke into a home in southern California, abducted a helpless 4 year old girl--an innocent child sleeping in the night, violently attacked and viciously sexually assaulted her, then wrapped her in a blanket and left her for dead. Fortunately, however, this small child survived.

Following this heinous crime Mr. Rios, the only suspect in this case, fled to Mexico. Through great personal expense the family located Mr. Rios and began efforts through the extradition treaty between the United States and Mexico to have him returned to the United States and tried in Riverside County, California. Unfortunately, despite extensive efforts by many individuals concerned with this case, the extradition of Mr. Rios has not been effected because of the refusal of the government of Mexico.

Mr. President, we realize that this is a difficult situation for your government, but the family of the young, innocent victim deserves to have Mr. Rios extradited to the United States to stand trial in the country where he chose to commit the crime.

In addition, the deliberations over the sweeping North American Free Trade Agreement provide both the United States and Mexico with an opportunity to review the entire spectrum of relations between our two countries. Policies with respect to the mutual enforcement of criminal law are just as important as trade policies.

We view this situation as an opportunity for our two countries to work together in an area of concern that has been fraught with problems for both of our governments. Since bilateral discussions are currently underway regarding a new extradition treaty, we strongly urge you to assist in this pending case and set the stage for resolution of the broad range of extradition concerns.

Mr. President, your help in this matter would be greatly appreciated by the family concerned, by Members of Congress, and by United States citizens across our country.

Sincerely,

E. Clay Shaw, Jr.

George E. Brown, Jr.

Jack Quinn

Jim Bacchus

Porter J. Goss

Don Sundquist

Philip M. Crane

Spencer Bachus

Ileana Ros-Lehtinen

Christopher Cox

Sam Gibbons

Duncan Hunter

Wally Herger

Bill McCollum

Dick Gallegly

Herbert H. Bateman

Tom Lewis

Billy Tauzin

Leslie Byrne

Joseph M. McDade

Helen Delich Bentley

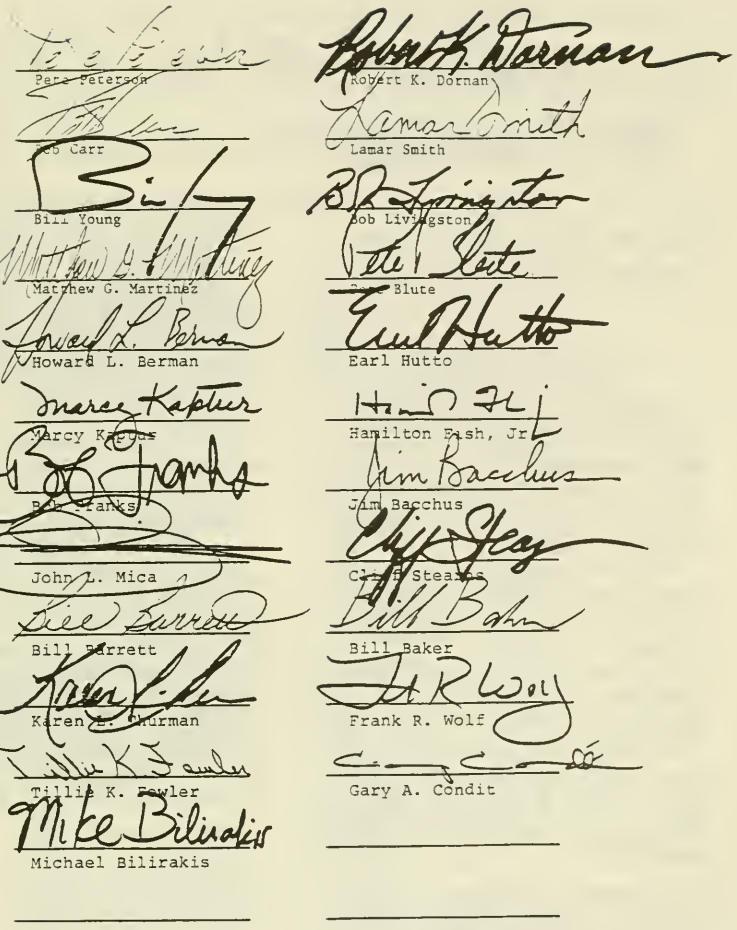
Ken Calvert

Charles T. Canady

Henry J. Hyde

Alcee L. Hastings

Carlos J. Moorhead


Pete Peterson
Robert K. Dornan
Bob Carr
Lamar Smith
Bill Young
Bob Livingston
Matthew G. Martinez
Howard L. Berman
Earl Hutto
Marcy Kaptur
Hamilton Fish, Jr.
Jim Bacchus
John L. Mica
Bill Barrett
Bill Baker
Karen L. Thurman
Frank R. Wolf
Tillie K. Fowler
Gary A. Condit
Michael Bilirakis

# U.S. GIVES MEXICO ABDUCTION PLEDGE

## No Cross-Border Kidnappings While a Ban Is Negotiated

By STEVEN A. HOLMES
Special to The New York Times

WASHINGTON, June 21 — The Clinton Administration has promised Mexico that it will not engage in any cross-border kidnapping of Mexican citizens while an agreement between the two countries banning the practice is being negotiated, Secretary of State Warren Christopher said today.

At a news conference with Fernando Solana Morales, Mexico's Secretary of Foreign Relations, Mr. Christopher said the two countries had begun negotiations on the issue.

"The Foreign Secretary and I have asked our negotiators to proceed as quickly as possible on this very sensitive and important issue," he said.

He added that President Clinton had given written assurances to President Carlos Salinas de Gortari of Mexico that he "will not condone any such abductions while these negotiations are under way."

The issue stems from the 1990 abduction of Dr. Humberto Alvarez Machain, who was indicted by a Federal grand jury for aiding in the torture and murder of Enrique Camarena Salazar, an agent of the United States Drug Enforcement Administration. Dr. Alvarez, was accused of helping to revive Mr. Camarena so that his captors could continue to interrogate him.

### Easier Extraditions Sought

State Department officials say that in addition to banning cross-border kidnappings, a key issue to be worked out would be language making it easier for the United States to legally extradite Mexican citizens who have been accused by United States law enforcement authorities.

Mexico allows extradition of its citizens to the United States. But State Department officials say conditions it places on these extraditions make it difficult for them to be approved by Mexican courts.

At the meeting today of the United States-Mexico Binational Commission, which works on legal, social, environmental, trade and other concerns of the two countries, the two foreign ministers agreed to set up a working group to negotiate an accord that would prohibit cross-border kidnappings by either Government or agents working for them. State Department officials said the negotiations would begin next month.

Dr. Alvarez was seized by Mexican bounty hunters from his office in Guadalajara and delivered to Federal agents waiting across the border. The United States action, which was later upheld by the Supreme Court, rubbed Mexican feelings raw, even though the charges against Dr. Alvarez were dismissed by a United States District Court judge.

The Supreme Court ruled that there was nothing in the 1978 extradition treaty that expressly forbade the abduction of Mexican citizens who were wanted in the United States. After the decision, Mexico demanded that the treaty be amended so that such kidnapping would be explicitly prohibited.

... TUESDAY, JUNE 22, 1993 A15

# U.S. and Mexico Plan Talks on Extradition

## *End to Abduction of Criminal Suspects Sought*

By Daniel Williams
Washington Post Staff Writer

Mexico and the United States will attempt to negotiate an end to the U.S. practice of abducting criminal suspects in Mexico for trial in this country, Secretary of State Warren Christopher said yesterday.

The talks are being convened at Mexico's request. But in return for an end to U.S. kidnappings, Mexico will be asked to ease its opposition to the extradition of its citizens to the United States, a senior State Department official said.

The move seemed part of an attempt to clear the air of controversial issues as U.S. lawmakers prepare to debate the North American Free Trade Agreement, which would eliminate trade barriers among Mexico, the United States and Canada. NAFTA, as the proposed treaty is known, has attracted opposition in Congress because of fears that U.S. firms would relocate in Mexico where labor costs are just a fraction of U.S. rates.

The ability of drug traffickers to elude capture in Mexico is a sticking point in U.S.-Mexican relations and a factor used against the proposed trade agreement. Critics of NAFTA say drugs would cross the border more freely if customs barriers were to fall.

"We have agreed to negotiate the extradition issue to find a legally binding way to prohibit territorial abductions," Christopher said during a photo session with Fernando Solana, the visiting Mexican foreign affairs secretary. "The foreign secretary and I have asked our negotiators to proceed as quickly as possible on this very sensitive and important issue."

Christopher said that President Clinton, like President George Bush before him, had assured Mexico in writing that the abductions would stop. Mexico, however, is seeking further assurance in a legally binding treaty, the senior State Department official said.

Negotiations will begin in July, although Mexico's hope that the issue can be settled by summer's end may be overly ambitious, the official added.

In the 1980s, Mexico became a leading conduit for cocaine from South America as U.S. interdiction efforts in the Caribbean disrupted traditional smuggling routes.

In 1985, Mexican drug traffickers captured, tortured and killed Enrique Camarena, a U.S. Drug Enforcement Administration agent working in Guadalajara, Mexico. In 1990, U.S. agents kidnapped Humberto Alvarez Machain, a suspect in the Camarena case, and spirited him across the border.

The abduction angered the Mexican government. Mexican officials were further enraged when the U.S. Supreme Court declined to free Alvarez last year on the grounds that his abduction did not violate the U.S.-Mexico extradition treaty, on which Mexico's protests were based.

Other suspects in the Camarena killing are in Mexican jails or at large. Mexico, like other Latin American countries, prefers to try within its territory citizens who are wanted abroad.

Ratification of NAFTA is awaiting the outcome of negotiations on side agreements that would address such key U.S. concerns as labor standards and pollution control. Both Clinton and Christopher took Solana's visit as an opportunity to lobby for approval of NAFTA.

"By approving NAFTA, we can cement in place a new source of jobs and economic growth for workers in Canada, Mexico and our own country," said Clinton.

Christopher said that trade with Mexico favors the United States and that enactment of NAFTA would create jobs. He called the proposed treaty an "overriding national interest."

Solana said that Mexico is "fully devoted and determined" to take part in NAFTA. His visit to Washington was one in an ongoing series of get-togethers between U.S. and Mexican officials to discuss issues of trade, immigration, water, the environment and other matters.

Congress of the United States
Washington, DC 20515

July 22, 1993

The Honorable Bill Clinton
President of the United States
The White House 1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

We are writing to bring to your attention a criminal justice and extradition matter of utmost concern to us. Once you read our enclosed correspondence to Mexican President Salinas, we hope you will understand and share our sense of outrage and dismay.

As if the horrible crime which this family in Riverside County, California has endured is not bad enough, their plea for official help from the U.S. Government seemingly has fallen largely on deaf ears, too.

First, after our repeated prodding, it still took the U.S. Departments of State and Justice nine months to formally request the extradition of the suspect for whom there has been a long-standing felony warrant in California. Even when the U.S. Ambassador presented the extradition request last month, we were told by State Department officials that he was told by the Mexican authorities not to expect extradition to occur.

Second, the Immigration and Naturalization Service (INS) was within three weeks of granting permanent resident status to this suspect last fall even after the crime occurred. INS authorities were totally unaware that the Riverside County Sheriff's Department had issued a felony arrest warrant for this suspect until that fact was called to their attention by the victim's aunt who happens to work on Capitol Hill.

Third, not having heard anything, in mid-June we requested a meeting with officials of the State and Justice Departments concerning substantive developments in this case . Frankly, our patience was exhausted.

Three State Department officials provided a very general briefing, after the Justice Department officials bailed out at the last minute. To say we were disappointed would be an understatement. They simply reported that two weeks earlier a

formal extradition request had been made, but that they had little reason to expect a favorable Mexican response, especially given that no Mexican national has ever been extradited to the U.S. Even though there exists a U.S.-Mexico Extradition Treaty, we were told in very matter of fact fashion that Mexican law also prohibits the extradition of its nationals as though we should accept this fact as a fait accompli.

The only shred of encouragement they offered to us was that some opening might arise in ensuing weeks during informal bilateral discussions on extradition issues. Imagine our dismay when we learned that these discussions seem to have been prompted, in no small part, by a Mexican Government demand that the U.S. Government commit to never again kidnap a Mexican national to stand trial in the U.S. as was done in the case involving a Mexican suspect in the torture and murder of a U.S. Drug Enforcement Agency (DEA) agent in Mexico.

In these discussions, we question whether unilaterally acceding to this Mexican Government demand is not tantamount to treating the symptom and not the underlying cause of the fundamental extradition problem that exists between Mexico and the U.S. Could it be that the cross-border kidnapping was deemed necessary precisely because the Mexican Government refused to extradite the suspect involved, while also refusing to take action against him under Mexican law?

The bilateral U.S.-Mexican extradition discussions now in progress present a prime opportunity to make real progress in pursuit of justice in the Riverside County, California case and, at the same time, achieve badly-needed, lasting improvements in extradition policies between Mexico and the U.S.

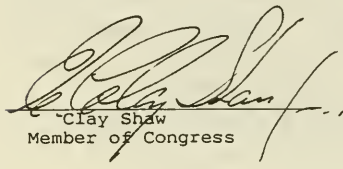
We do not understand and cannot accept the uncaring manner in which the Rios case has been handled by Mexican authorities to date. It calls into question the rule of law within Mexico and good faith in relations between our two countries. More broadly, it is unacceptable for the U.S.-Mexico Extradition Treaty to be interpreted as a one-way street where the U.S. extradites our nationals to stand trial in Mexico, but the Government of Mexico refuses to reciprocate.

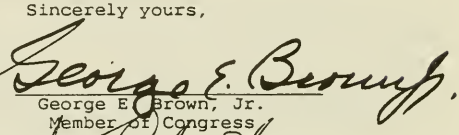
We strongly urge you to secure the immediate extradition of Serapio Zuniga Rios to stand trial for the heinous crime he is accused of having committed last year in Riverside County, California. We also urge that permanent improvements be discussed

with the Mexican Government and incorporated in the U.S.-Mexico Extradition Treaty to make certain that any persons formally charged with crimes on either side of the Rio Grande are routinely extradited to face charges and stand trial in the country where the crimes are alleged to have occurred.

We will take further steps as warranted by your actions in relation both to this case and its broader policy implications.

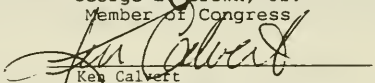
Sincerely yours,





E. Clay Shaw
Member of Congress

George E. Brown, Jr.
Member of Congress



Ken Calvert
Member of Congress

GEB:jwg

THE WHITE HOUSE

WASHINGTON

August 31, 1993

Dear Mr. Chairman:

Thank you for your letter of July 22, 1993, co-signed by Representatives Shaw and Calvert, letting me know of your concerns regarding U.S.-Mexico extradition issues and the Zuniga Rios case. The Secretary of State and the Attorney General are responding in more detail.

Let me assure you that I share your sense of outrage over the crimes with which Zuniga Rios has been charged. Secretary of State Christopher and other high-ranking U.S. Government officials personally have raised the Zuniga Rios case with the Mexican Government. Regrettably, to date the Mexican Government has declined to extradite Zuniga Rios and has instead offered to prosecute him in Mexico. We are continuing to press for extradition. Failing that, we will provide all possible assistance to Mexican law enforcement authorities to ensure that Zuniga Rios is successfully prosecuted.

Because I believe strongly that we have a national interest in fostering respect for international rules of law, particularly the principles of respect for territorial integrity and the sovereignty of states, I have provided a commitment to President Salinas that we will not abduct individuals from Mexico. While we have told the Government of Mexico that we are willing to discuss incorporating that commitment in a legally binding document, we have also made it clear to them that the effective prosecution of Mexicans who commit crimes in the U.S. is of great importance to us. We have urged Mexico to relax its traditional practice of refusing to extradite its own nationals, although this is a

practice common in many countries, and to take steps to improve its ability to prosecute its own nationals within Mexico.

Thank you for your thoughtful letter. I share your concerns.

Sincerely,

The Honorable George E. Brown, Jr.
House of Representatives
Washington, D.C. 20515

Congress of the United States
Washington, DC 20515

'93 JUL 27 P2:37

July 22, 1993

The Honorable Janet Reno
Attorney General of the United States
Constitution Avenue and Tenth Street, N.W.
Washington, D.C. 20530

Dear Madam Attorney General:

We are writing to bring to your attention a criminal justice and extradition matter of utmost concern to us. Once you read our enclosed correspondence to Mexican President Salinas, we hope you will understand and share our sense of outrage and dismay.

As if the horrible crime which this family in Riverside County, California has endured is not bad enough, their plea for official help from the U.S. Government seemingly has fallen largely on deaf ears, too.

First, after our repeated prodding, it still took the U.S. Departments of State and Justice nine months to formally request the extradition of the suspect for whom there has been a long-standing felony warrant in California. Even when the U.S. Ambassador presented the extradition request last month, we were told by State Department officials that he was told by the Mexican authorities not to expect extradition to occur.

Second, the Immigration and Naturalization Service (INS) was within three weeks of granting permanent resident status to this suspect last fall even after the crime occurred. INS authorities were totally unaware that the Riverside County Sheriff's Department had issued a felony arrest warrant for this suspect until that fact was called to their attention by the victim's aunt who happens to work on Capitol Hill.

Third, not having heard anything, in mid-June we requested a meeting with officials of the State and Justice Departments concerning substantive developments in this case . Frankly, our patience was exhausted.

Three State Department officials provided a very general briefing, after the Justice Department officials bailed out at the last minute. To say we were disappointed would be an understatement. They simply reported that two weeks earlier a

formal extradition request had been made, but that they had little reason to expect a favorable Mexican response, especially given that no Mexican national has ever been extradited to the U.S. Even though there exists a U.S.-Mexico Extradition Treaty, we were told in very matter of fact fashion that Mexican law also prohibits the extradition of its nationals as though we should accept this fact as a fait accompli.

The only shred of encouragement they offered to us was that some opening might arise in ensuing weeks during informal bilateral discussions on extradition issues. Imagine our dismay when we learned that these discussions seem to have been prompted, in no small part, by a Mexican Government demand that the U.S. Government commit to never again kidnap a Mexican national to stand trial in the U.S. as was done in the case involving a Mexican suspect in the torture and murder of a U.S. Drug Enforcement Agency (DEA) agent in Mexico.

In these discussions, we question whether unilaterally acceding to this Mexican Government demand is not tantamount to treating the symptom and not the underlying cause of the fundamental extradition problem that exists between Mexico and the U.S. Could it be that the cross-border kidnapping was deemed necessary precisely because the Mexican Government refused to extradite the suspect involved, while also refusing to take action against him under Mexican law?

The bilateral U.S.-Mexican extradition discussions now in progress present a prime opportunity to make real progress in pursuit of justice in the Riverside County, California case and, at the same time, achieve badly-needed, lasting improvements in extradition policies between Mexico and the U.S.

We do not understand and cannot accept the uncaring manner in which the Rios case has been handled by Mexican authorities to date. It calls into question the rule of law within Mexico and good faith in relations between our two countries. More broadly, it is unacceptable for the U.S.-Mexico Extradition Treaty to be interpreted as a one-way street where the U.S. extradites our nationals to stand trial in Mexico, but the Government of Mexico refuses to reciprocate.

We strongly urge you to secure the immediate extradition of Serapio Zuniga Rios to stand trial for the heinous crime he is accused of having committed last year in Riverside County, California. We also urge that permanent improvements be discussed

with the Mexican Government and incorporated in the U.S.-Mexico Extradition Treaty to make certain that any persons formally charged with crimes on either side of the Rio Grande are routinely extradited to face charges and stand trial in the country where the crimes are alleged to have occurred.

We will take further steps as warranted by your actions in relation both to this case and its broader policy implications.

Sincerely yours,

E. Clay Shaw
Member of Congress

George E. Brown, Jr.
Member of Congress

Ken Calvert
Member of Congress

GEB:jwg

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

*Washington, D.C. 20530*

SEP 29 1993

The Honorable George E. Brown, Jr.
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Brown:

This letter is written in response to your letter to the Attorney General concerning the efforts of the United States to ensure that Serapio Zuniga Rios is prosecuted for the crimes he is alleged to have committed in Riverside County, California, in September 1992. We apologize for the delay in responding to your letter.

Like you, we at the Department of Justice were shocked and outraged to learn of the crimes committed against the child involved in this matter. From the time the Department of Justice was made aware of the Zuniga Rios matter, we have worked closely with California authorities to determine the best possible course of action to follow in this case. As you are aware, Mexico has never extradited a Mexican national to the United States because of the prohibition in its law against the extradition of its citizens except in "exceptional cases." Despite our past lack of success in this area, however, we made a considered decision to pursue extradition in the Zuniga Rios matter, based on our belief that the extreme brutality of the crime and the strength of the evidence against Mr. Zuniga Rios would fully justify its treatment by Mexican authorities as an "exceptional case" warranting the return of the defendant to the United States for trial. Although it took some time to finalize the full extradition package, with all possible supporting documents and statements, it was felt by the District Attorney's Office and the Department of Justice that the expenditure of time and effort was fully justified by the circumstances of the crime.

Since the case was prepared by California authorities and submitted to the Government of Mexico, the Department of Justice, in coordination with the Department of State, has made every effort to apprise Mexico of our profound commitment to pursuing the extradition of Mr. Zuniga Rios to face the numerous and substantial charges pending against him in California. As you are aware, however, these efforts have thus far been unsuccessful,

the Government of Mexico having responded that the suspect can and should be prosecuted in Mexico for the crimes of which he is accused. We are clearly not satisfied with this response; but we are committed to pursuing all available avenues, including domestic prosecution in Mexico, to ensure that Mr. Zuniga Rios does not escape trial and punishment for the offenses we believe he committed. In this regard, we were extremely pleased to learn from Mexican authorities recently that an arrest warrant has now been issued for Mr. Zuniga Rios in Mexico and that they intend to prosecute him if and when he is apprehended.

As you have pointed out in your letter, the ongoing talks with Mexico on transborder abductions and extradition provide a perfect opportunity to discuss with Mexican authorities both the Zuniga Rios matter and the serious threat to bilateral cooperation caused by the absence of an effective mechanism for bringing such individuals to justice. At both rounds of talks that have taken place, we have urged the Government of Mexico to change its policy on the extradition of its nationals, and we intend to continue our efforts in this regard at all ensuing discussions. We have also agreed with Mexico to the immediate establishment of a joint working group to develop and implement practical and efficient procedures for securing the effective prosecution in Mexico of fugitives from the United States who are not extradited.

We assure you that the Department of Justice is firmly committed to pressing the issues of extradition and domestic prosecution with Mexico and to correcting the inequity and injustice frequently experienced under existing practices and procedures. Like you, the Attorney General is convinced that any problems with transborder abductions cannot be fully and effectively addressed without a simultaneous effort to address the causes of the frustration leading to such acts.

In closing, let me assure you once again that we will do everything we can to have Mr. Zuniga Rios brought to justice. We will also use our best efforts to keep you apprised of the status of the case.

Sincerely,

Sheila Anthony

Sheila F. Anthony
Assistant Attorney General

Congress of the United States
Washington, DC 20515

July 22, 1993

The Honorable Warren Christopher
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Secretary:

We are writing to bring to your attention a criminal justice and extradition matter of utmost concern to us. Once you read our enclosed correspondence to Mexican President Salinas, we hope you will understand and share our sense of outrage and dismay.

As if the horrible crime which this family in Riverside County, California has endured is not bad enough, their plea for official help from the U.S. Government seemingly has fallen largely on deaf ears, too.

First, after our repeated prodding, it still took the U.S. Departments of State and Justice nine months to formally request the extradition of the suspect for whom there has been a long-standing felony warrant in California. Even when the U.S. Ambassador presented the extradition request last month, we were told by State Department officials that he was told by the Mexican authorities not to expect extradition to occur.

Second, the Immigration and Naturalization Service (INS) was within three weeks of granting permanent resident status to this suspect last fall even after the crime occurred. INS authorities were totally unaware that the Riverside County Sheriff's Department had issued a felony arrest warrant for this suspect until that fact was called to their attention by the victim's aunt who happens to work on Capitol Hill.

Third, not having heard anything, in mid-June we requested a meeting with officials of the State and Justice Departments concerning substantive developments in this case . Frankly, our patience was exhausted.

Three State Department officials provided a very general briefing, after the Justice Department officials bailed out at the last minute. To say we were disappointed would be an understatement. They simply reported that two weeks earlier a

formal extradition request had been made, but that they had little reason to expect a favorable Mexican response, especially given that no Mexican national has ever been extradited to the U.S. Even though there exists a U.S.-Mexico Extradition Treaty, we were told in very matter of fact fashion that Mexican law also prohibits the extradition of its nationals as though we should accept this fact as a fait accompli.

The only shred of encouragement they offered to us was that some opening might arise in ensuing weeks during informal bilateral discussions on extradition issues. Imagine our dismay when we learned that these discussions seem to have been prompted, in no small part, by a Mexican Government demand that the U.S. Government commit to never again kidnap a Mexican national to stand trial in the U.S. as was done in the case involving a Mexican suspect in the torture and murder of a U.S. Drug Enforcement Agency (DEA) agent in Mexico.

In these discussions, we question whether unilaterally acceding to this Mexican Government demand is not tantamount to treating the symptom and not the underlying cause of the fundamental extradition problem that exists between Mexico and the U.S. Could it be that the cross-border kidnapping was deemed necessary precisely because the Mexican Government refused to extradite the suspect involved, while also refusing to take action against him under Mexican law?

The bilateral U.S.-Mexican extradition discussions now in progress present a prime opportunity to make real progress in pursuit of justice in the Riverside County, California case and, at the same time, achieve badly-needed, lasting improvements in extradition policies between Mexico and the U.S.

We do not understand and cannot accept the uncaring manner in which the Rios case has been handled by Mexican authorities to date. It calls into question the rule of law within Mexico and good faith in relations between our two countries. More broadly, it is unacceptable for the U.S.-Mexico Extradition Treaty to be interpreted as a one-way street where the U.S. extradites our nationals to stand trial in Mexico, but the Government of Mexico refuses to reciprocate.

We strongly urge you to secure the immediate extradition of Serapio Zuniga Rios to stand trial for the heinous crime he is accused of having committed last year in Riverside County, California. We also urge that permanent improvements be discussed

with the Mexican Government and incorporated in the U.S.-Mexico Extradition Treaty to make certain that any persons formally charged with crimes on either side of the Rio Grande are routinely extradited to face charges and stand trial in the country where the crimes are alleged to have occurred.

We will take further steps as warranted by your actions in relation both to this case and its broader policy implications.

Sincerely yours,

Clay Shaw
Member of Congress

George E. Brown, Jr.
Member of Congress

Ken Calvert
Member of Congress

GEB:jwg

United States Department of State

*Washington, D.C. 20520*

SEP 10 1993

Dear Mr. Brown:

I am responding to your letter of July 22, 1993, co-signed by Congressmen Shaw and Calvert, to Secretary Christopher concerning the Zuniga Rios case.

At the outset, let me assure you that the Department shares your sense of outrage over this terrible crime. As described below, the Department has made a concerted effort, at the highest levels of the Government of Mexico (GOM), to bring Zuniga Rios to justice.

By way of background, Article 9 of the 1978 U.S.-Mexico Extradition Treaty authorizes each party to extradite its nationals, but makes such extradition discretionary rather than mandatory (although, as explained below, denial on these grounds requires referral for local prosecution). Under Mexican law, the extradition of Mexican nationals to foreign countries is prohibited except in "exceptional cases." In actual practice, however, the GOM has never agreed to extradite a Mexican national to the United States or, as far as we are aware, to any other country.

In late March the Justice Department contacted the State Department asking that the American Embassy in Mexico be instructed to request the extradition of Serapio Zuniga Rios, a Mexican citizen, to the United States. In view of the GOM policy against extraditing Mexican nationals, before presenting a formal extradition request (which might have resulted in a pro forma denial), the Department instructed the American Ambassador in Mexico City to approach the GOM to underscore the sensitivity of the case and to urge that Zuniga Rios be extradited to stand trial in the United States. After these initial discussions, the Embassy submitted the formal request for Zuniga Rios' extradition in June.

The Honorable
George E. Brown Jr.,
House of Representatives.

During the past few months, the Department has repeatedly discussed the Zuniga Rios case with senior GOM officials, emphasizing the importance of the case to the Administration and the Congress. Secretary Christopher raised the matter in his June 21 meeting with Foreign Secretary Solana, and Ambassador Negroponte and Assistant Secretary Watson have each made similar direct appeals to Attorney General Carpizo. We have consistently argued that this case presents precisely the "exceptional circumstances" that should justify a GOM decision to extradite one of its nationals. Regrettably, however, to date the GOM has declined to extradite Zuniga Rios and has instead offered to prosecute him in Mexico. (Under Article 9 of the U.S.-Mexico Extradition Treaty, a party who declines to extradite one of its nationals is obligated to submit the case to its local authorities for domestic prosecution.) Although we are highly disappointed with this decision, we will provide all possible assistance to Mexican law enforcement authorities to ensure that Zuniga Rios is successfully prosecuted.

The U.S. Government believes that the GOM's policy against extraditing its nationals is a significant impediment to effective law enforcement cooperation between the United States and Mexico. We have made it clear to the GOM that the issue of extradition of nationals is of great importance to the U.S. Government, and we have urged the GOM to relax its traditional policy. In addition, the USG and GOM have agreed to establish a bilateral working group to discuss steps to facilitate more effective prosecution in Mexico of those fugitives from the United States that the GOM does not extradite.

Your letter questioned why the United States should extradite its nationals to Mexico under the treaty if Mexico refuses to reciprocate. We do not view this as a matter of strict reciprocity. The United States has a general world-wide policy, based upon U.S. national interests, of extraditing individuals (including U.S. citizens) regardless of nationality. We do not believe it would serve our law enforcement interests to permit criminals, wanted in other countries, to remain at large in the United States solely because they carry U.S. nationality. (Unlike in civil law countries, in the United States courts generally do not have jurisdiction over U.S. citizens who commit crimes abroad.)

Also, we should point out that Mexico's policy against extraditing its nationals is a common one. Although in extradition negotiations the United States consistently presses its treaty partners to agree to extradite their nationals, the majority of countries world-wide and virtually all countries in the Western Hemisphere with civil law systems have similar statutory or constitutional prohibitions on the extradition of nationals. In the final analysis, this is an issue of national sovereignty: the United States cannot compel Mexico or any other country to extradite its nationals. However, because the large flow of persons across the U.S.-Mexico border results in frequent crimes committed by Mexican nationals in U.S. territory, the GOM policy presents a special problem to U.S. law enforcement authorities. We will continue to urge in the strongest terms that Mexico change its policy.

Finally, I would reiterate that the Department of State shares your outrage regarding the crime for which Zuniga Rios is charged, and assure you that the Department is working vigorously to bring him to justice.

I hope we have been responsive to your concerns. Please contact us if we may be of assistance in any way.

Sincerely,

Wendy R. Sherman

Wendy R. Sherman
Assistant Secretary
Legislative Affairs

Mr. CONDIT. Mr. Brown, we want to thank you very much for being here. We know you have a busy schedule, and we want to thank you for urging this committee to hold this hearing and all the work you have done in this area.

Mr. Shaw, we appreciate you being here today, too.

## STATEMENT OF HON. E. CLAY SHAW, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. SHAW. Thank you, Mr. Chairman. I, too, join with Mr. Brown in expressing my appreciation for your taking the time to have what I feel is a most important hearing. I think the timing of this hearing could not possibly be better.

Our current extradition agreement with Mexico—as you have heard, as you have learned today, and as some of you knew before today—is completely unacceptable. We have an extradition treaty with Mexico, but it is a treaty in name only. I believe the subcommittee members here are aware that the Mexican Government has never extradited a Mexican citizen to the United States. The treaty is strictly a one-way street.

The subcommittee's investigation into the critical problems in the extradition process between the United States and Mexico is an important matter, and I believe it is time well spent. Again, I commend you for your efforts.

I became involved in this particular case that Mr. Brown made reference to because the victim is the niece of someone who has been on my staff for many years. I first learned of this horrible case the day after it happened, when my wife told me about it. The harsh brutality that was forced upon this innocent child, a 4-year-old little girl, and the nature of the crime were so personally awful that my staff member, who is a woman, felt uncomfortable in breaking the news directly to me.

Then I read the police report. I was horrified. I do not want to convict the only suspect in this case before he is tried, but based upon the evidence available to us, including a number of personal statements, we had a firm idea of who kidnapped and attacked this child within the first day or so and were virtually certain within a week. It seemed to be just a matter of finding and arresting him, then letting him sit in jail while he awaited trial in Riverside County where all this happened. But we learned otherwise.

We have found, in this case, that local law enforcement officials who initiate the extradition process recognize the historic futility of trying to extradite a Mexican citizen to the United States and, hence, tend to regard the cumbersome paperwork requirements as a waste of time.

We initially faced reluctance by the local district attorney's office to start work on the pile of paperwork that must be complete to initiate the process. After a number of phone calls, I finally felt compelled to write a letter to the district attorney on December 1, 1992, to urge that the necessary paperwork be completed and filed.

Our colleagues, George Brown, Al McCandless, and Duncan Hunter, joined me in this letter. I also talked to Dan Lundren during this period of time, who is now the attorney general in California.

Based on what I have learned since, however, I cannot and do not hold the Riverside district attorney's office at fault. They have

an extremely heavy caseload, with trials every week. Extraditing a Mexican citizen to the United States they knew was impossible. In fact, as I stated earlier, the Mexican Government has never cooperated in extraditing one of its nationals to the United States.

Even though we have had the extradition treaty with Mexico in place since 1978, they never have used it, not once, at least when it comes to the extradition of Mexican citizens. But Mexico's refusal to extradite its own has not stopped it from requesting the extradition of United States citizens. Even while they were refusing to extradite Serapio Rios to the United States this summer, Mexican officials were requesting our cooperation in the extradition of United States citizens to Mexico.

In May of this year, gang members from southern California were involved in the senseless murder of a Mexican cardinal in Guadalajara, Mexico. It took little time for the Mexican Government to issue arrest warrants and request United States assistance in extraditing these criminals, at least two of which are United States citizens, to Mexico. Our government is cooperating with that request, in accordance with normal United States policy, yet the Government of Mexico has blatantly refused to cooperate in this extradition in accordance with normal Mexican policy.

Still, however, we have plodded along in this case for over a year now, with phone call after phone call, more letters, and even a joint letter with 48 of our colleagues to the President of Mexico. I understand a reply has been received in some of the offices. I have not seen my copy of the reply to that letter, but I assume it is probably in my mailbag back in the office today.

Because of the cumbersome, ineffective nature of the extradition process, the extradition papers were not formally submitted to the Mexican Government until June of this year, 9 months after the child was tortured. Meanwhile, the victimized family had paid thousands of dollars to a private investigator to locate the suspect, and he was found living with his family in Mexico. For months, we knew where this man lived.

If, when the heinous crime occurred, we had in place a streamlined, efficient, extradition process in this country, that would get the necessary paperwork prepared swiftly, combined with at least a decent cooperation in part of the Government of Mexico, we would have him now, and this family's ordeal might be on its way to conclusion.

Again, I would like to underscore that we need to streamline the process by which we ask for extradition from other countries, and I think that lies in part within the scope of this committee.

I think this mother that you heard from earlier today, her rights are at stake here. This is a case concerning the relationship between the United States and Mexico, with a 2,000-mile border between our countries, on a law enforcement matter of a most critical nature.

She comes to us, as Members of the U.S. Congress, and asks that we help her get justice for what has been done to her daughter and her family. Are we going to make them depend upon the Government of Mexico to enforce United States criminal law, for a crime committed on our soil in California? This family has a right to have

this man tried in Riverside County, CA. Unfortunately, today, he remains at large.

Administration officials have told me that the Mexicans have improved in recent years in their prosecution of these kinds of cases in Mexico. Improved compared to what? Like many of you, I have been to Mexico as a Member of the U.S. House of Representatives, and I am not at all convinced that this victimized family should be made to rely upon the Mexican judicial system for justice in this case.

This crime was committed in the United States. This particular case is just the tip of the iceberg. In Riverside County alone, there are at least 23 pending serious cases that are ripe for extradition, but the answer from the Mexicans has always been no, unless the United States Government makes clear how important this issue is and what is at stake.

I leave you with this. There are negotiations concerning the extradition treaty going on now between the United States and the Government of Mexico, at the request of the Mexican officials. They wanted us to formally comment that we would no longer resort to kidnapping Mexican citizens in that country when they are wanted for serious crimes in the United States, which I believe we have done.

Unbelievable to me, however, I have learned from a United States State Department official that Mexican cooperation in extraditing their citizens to the United States is not even on the table. This is a situation that has to change.

I thank you for listening to me on this most important case, but it goes beyond this tragedy, which I think so graphically shows the injustice of what is going on. This has been a constant problem for our drug enforcement officials over the years.

It is time that we really get serious about negotiating this treaty. There has never been a better time, with NAFTA up in the air, and I think we need to push hard to get some reciprocity, get equal treatment and fair treatment, so that those who would violate our laws in such a heinous manner as this particular case are brought to justice and brought to trial here in the United States.

[The prepared statement of Mr. Shaw follows:]

Testimony of E. Clay Shaw, Jr.,
Before the Subcommittee on Information,
Justice, Transportation and Agriculture

Mr. Chairman and members of the Subcommittee, I want to thank you for conducting this hearing today. Our current extradition arrangement with Mexico is completely unacceptable. We do have an extradition treaty with Mexico, but it is a treaty in name only. I believe the Subcommittee members here are aware that the Mexican government has never extradited a Mexican citizen to the U.S. The treaty is a one-way street.

The Subcommittee's investigation into the critical problems in the extradition process between the U.S. and Mexico is an important matter, and I believe it is time well spent. I commend you for your efforts.

I became involved in this particular case because the victim is the niece of someone who has been on my staff for many years. I first learned of this horrible case the day after it happened, when my wife told me. The harsh brutality that was forced on this innocent child--a 4 year old girl--and the nature of the crime were so personally awful that my staffer, who is a woman, felt uncomfortable breaking the news directly to me.

I think I reacted the way any good friend would. I was so mad this had happened I couldn't see straight. Then I read the police report containing a detailed description of the crimes committed against this child. I simply can't describe how I felt after that.

I don't want to convict the only suspect in this case before he is tried, but based on the evidence available to us, including a number of personal statements, we had a firm idea who had kidnapped and attacked this child within the first day or so, and were virtually certain within a week. It seemed to be just a matter of finding and arresting him, then letting him sit in jail while he awaited trial in Riverside County, where all this happened.

But we learned otherwise. We have found in this case that local law enforcement officials, who initiate the extradition process, recognize the historic futility of trying to extradite a Mexican citizen to the U.S. and hence tend to regard the cumbersome paperwork requirements as a waste of time. We initially faced reluctance by the local DA's office to start work on the pile of paperwork that must be completed to initiate the process. After a number of phone calls, I finally felt compelled to write a letter to the DA on December 1st of 1992 to urge that the necessary paperwork be completed and filed. Our colleagues George Brown, Al McCandless, and Duncan Hunter joined me in that letter.

Based on what I've learned since, however, I can't and don't hold the Riverside DA's office at fault. They have an extremely heavy caseload with trials every week and extraditing a Mexican citizen to the U.S., they knew, was impossible.

In fact, as I stated earlier, the Mexican government has never cooperated in extraditing one of its nationals to the U.S. Even though we have had the extradition treaty with Mexico in place since 1978, they have never used it, not once--at least when it comes to the extradition of Mexican citizens. But Mexico's refusal to extradite its own hasn't stopped it from requesting the extradition of U.S. citizens. Even while they were refusing to extradite Serapio Zuniga Rios to the U.S. this summer, Mexican officials were requesting our cooperation in the extradition of U.S. citizens to Mexico.

In May of this year gang members from southern California were involved in the senseless murder of a Mexican cardinal in Guadalajara, Mexico. It took little time for the Mexican government to issue arrest warrants and request U.S. assistance in extraditing these criminals, at least two of which are U.S. citizens, to Mexico. Our government is cooperating with that request, in accordance with normal U.S. policy. Yet the government of Mexico has blatantly refused to cooperate in this extradition, in accordance with normal Mexican policy.

Still, however, we have plodded along in this case for over a year now, with phone call after phone call, more letters, and even a joint letter with 48 of our colleagues to the President of Mexico.

Because of the cumbersome, inefficient nature of the extradition process, the extradition papers were not formally submitted to the Mexican government until June of this year--nine months after this child was tortured. Meanwhile the victimized family had paid thousands of dollars to a private investigator to locate Serapio Zuniga Rios, and he was found, living with his family in Mexico.

For months we knew where this man lived. If when this heinous crime occurred we had in place a streamlined, efficient extradition process in this country that would get the necessary paperwork prepared swiftly, combined with at least decent cooperation on the part of the government of Mexico, we would have him now, and this family's ordeal might be on its way to conclusion.

I think this mother you have just heard from has an important right at stake here. This is a case concerning the relationship between the U.S. and Mexico, with a 2,000 mile border between our two countries, on a law enforcement matter of the most critical nature. She comes to us, as members of the U.S. Congress, and asks that we help her get justice for what has been done to her daughter and her family. Are we going to make them depend on the government of Mexico to enforce U.S. criminal law for a crime committed here on our soil? This family has a right to have that man tried in Riverside County, California. Unfortunately, he remains at large.

Administration officials have told me that the Mexicans have improved in recent years in their prosecution of these kinds of cases in Mexico. Well, improved compared to what? Like many of you, I have been to Mexico as a member of the U.S. House, and I am not at all convinced that this victimized family should be made to

rely on the Mexican judicial system for justice in this case.

This particular case, though, is just the tip of the iceberg. In Riverside County alone there are at least 23 pending, serious cases that are ripe for extradition, but the answer from the Mexicans will always be no--unless the U.S. government makes clear how important this issue is and what is at stake.

I leave you with this. There are negotiations concerning the extradition treaty going on now between the U.S. and the government of Mexico, at the request of Mexican officials. They wanted us to formally commit that we would no longer resort to kidnapping Mexican citizens in that country when they are wanted for serious crimes in the U.S, which I believe we have done. Unbelievably to me, however, I learned from a U.S. State Department official that Mexican cooperation in extraditing their citizens to the U.S. is not even on the table. This is a situation we've got to change. Thank you for listening to my remarks.

Mr. CONDIT. Thank you, Mr. Shaw.

As soon as Mr. Calvert found out we were having this hearing, he called and expressed his interest. He has been involved in this issue and has been here all morning. I appreciate his patience. Mr. Calvert.

## STATEMENT OF HON. KEN CALVERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. CALVERT. Thank you, Mr. Chairman. The problem we are addressing today is a serious one. American citizens who are the victims of crimes and their families are entitled to expect that the person or persons who committed that crime will be pursued, apprehended, and punished, regardless of whether the perpetrator is an American citizen or a citizen of another country.

The same is true for German, British, Canadian, or Mexican citizens who are the victims of crimes in the United States, or at the hands of American citizens traveling in their own countries. Foreign nationals should be able to expect that American criminals who victimize them or members of their family will be pursued, apprehended, and punished.

In short, Mr. Chairman, law abiding citizens in all countries have a right to expect that justice will be done, without regard to political boundaries.

Let us be clear about the problem. United States citizens who commit crimes in Mexico and flee to the United States should be sent back to Mexico to stand trial. We know how to apprehend, process, and extradite criminals. Thus, the problem with which we are dealing is not just a legal problem but also a cultural one. I am hopeful that as United States-Mexican relations grow closer, we will be able to overcome cultural suspicions that today often block legal solutions.

I am particularly interested in this issue because of several heinous crimes that have been committed in my district by suspects who have fled to Mexico to avoid prosecution. You heard about one of those earlier.

Last weekend, I went to Mexico with a group of members to discuss the North American Free Trade Agreement. Although I was inclined to support NAFTA, I decided to make the weekend journey so that I could speak with President Salinas about the little girl and the Mexican citizen believed to be her abductor. I did speak to the President, and I also delivered a personal letter to him.

I want to tell the members of the committee and others here, I was impressed with the President's personal concern. He was thoroughly familiar with the case, and he shared our view that it was a particularly reprehensible crime. He has said in no uncertain terms that he was committed to bringing that suspect to justice.

He also said, and I think this was particularly significant, that he would give serious consideration to extraditing the accused back to the United States to stand trial. I am hopeful that President Salinas will take action on this case, and I am hopeful that the suspect will be arrested in the near future, whether he is in Mexico or here in the United States.

I am hopeful that this committee will help our law enforcement officials, particularly those in border States such as California, de-

velop better ways of communicating and working with foreign governments to increase the prosecution of criminals in Canada, Mexico, and the United States, regardless of the nationality of the victim or the criminal. Not only must justice be color blind, it also must be blind to national boundaries. Whatever happens on November 17, this issue will remain.

Mr. Chairman, I hope we are making progress, however slow. For example, I understand that Attorney General Reno has pledged, along with the Mexican Attorney General Carpizo, to improve cooperation between Mexico and the United States. Also, Mr. Carpizo has created a special unit which will guarantee and speed up the action taken by the courts in proceedings dealing with crimes committed abroad by Mexican nationals located in Mexico.

Ms. Reno assured her counterpart that the Department of Justice is in the process of identifying, on a Federal level as well as State and local, all the cases which may be referred to this new unit. I am hopeful that the numerous serious cases from Riverside County will be included in this list. In addition, a judicial attache will be appointed to the Embassy of the United States in Mexico in order to promote further legal cooperation.

As a Member of Congress, I am pleased to use my office in an attempt to expedite justice in a tragic case, including talking with the President of a foreign nation. But the committee is right to suggest that an effective, fair, and flexible extradition policy should be available to all victims and all their families.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Calvert follows:]

"All the News That Fits" *from*

Congressman

# Ken Calvert

## 43rd Congressional District - California

For Immediate Release
November 9, 1993

Contact: Lee Raudonis
(202) 225-1986

STATEMENT BEFORE THE GOVERNMENT OPERATIONS COMMITTEE
INFORMATION AND JUSTICE SUBCOMMITTEE

Thank you, Mr. Chairman

The problem we are addressing today is a serious one. American citizens who are the victims of crimes — and their families — are entitled to expect that the person or persons who committed the crimes will be pursued, apprehended and punished, regardless of whether the perpetrator is an American citizen or a citizen of another country.

The same is true for German, British, Canadian or Mexican citizens who are the victims of crime in the United States — or at the hands of American citizens traveling in their own countries. Foreign nationals should be able to expect that American criminals who victimize them or members of their family will be pursued, apprehended and punished.

In short, Mr. Chairman, law abiding citizens in all countries have a right to expect that justice will be done without regard to political boundaries.

And, let's be clear about the problem. U.S. citizens who commit crimes in Mexico and flee to the U.S. are sent back to Mexico to stand trial. We know how to apprehend, process and extradite criminals.

Thus, the problem with which we are dealing is not just a legal problem, but also a cultural one. I believe that as U.S. - Mexican relations grow closer, we will be able to overcome cultural suspicions that today often block legal solutions.

I am particularly interested in this issue because of several heinous crimes which have been committed in my district by suspects who have fled to Mexico to avoid prosecution.

You'll recall about one of those earlier.

Last weekend, I went to Mexico with a group of Congressmen to discuss the North American Free Trade Agreement. Although I was already inclined to support NAFTA, I decided to make the weekend journey

so that I could speak personally with Mexican President Salinas about the little girl and the Mexican citizen believed to be her abductor.

I did speak to President Salinas, and also delivered a personal letter to him. I will submit that letter for the record.

I want to tell the members of the committee and others here that I was very impressed with the President's concern.

He was thoroughly familiar with the case, and he shared my view that it was a particularly reprehensible crime — and he said in no uncertain terms that he was committed to bringing the suspect to justice.

He also said — and I think this was particularly significant — that he would give serious consideration to extraditing the accused back to the United States to stand trial

I am confident that President Salinas WILL take action in this case and I am optimistic that the suspect will be arrested in the near future.

But, I am hopeful that this committee will help our law enforcement officials — particularly those in border states — develop better ways of communicating and working with foreign governments to increase prosecutions of criminals in Canada, Mexico and the United States, regardless of the nationality of the victim or of the criminal. Not only must justice be color blind, it must also be blind to national boundaries.

Mr. Chairman, we are making progress

For example, I applaud the efforts of Attorney General Reno and Mexican Attorney General Carpizo to improve cooperation between Mexico and the United States.

I am particularly pleased that Mr. Carpizo has created a special unit which will guarantee and speed up the action taken by the courts in proceedings dealing with crimes committed abroad by Mexican nationals located in Mexico.

And I am pleased that Ms. Reno assured her counterpart that the Department of Justice is in the process of identifying, on a federal as well as state and local level, all the cases which may be referred to this new unit. (I am hopeful that the numerous serious cases from Riverside County will be included in this list.) In addition, a Judicial Attache will be appointed to the Embassy of the United States in Mexico in order to promote further legal cooperation.

As a member of Congress, I was pleased to use my office in an attempt to expedite justice in a tragic case, including talking with President Salinas. But, the committee is right to suggest that an effective, fair and flexible extradition policy should be available to all victims and their families.

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HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

KEN CALVERT
FORTY-THIRD DISTRICT
CALIFORNIA

November 5, 1993

Dear President Salinas,

I am writing you this personal note to mention a matter of which I am sure that you are aware. Mr. Serapio Zungia Rios committed a heinous crime in Riverside County, California on September 14, 1992. It is thought that he is now hiding in Mexico, to date escaping arrest.

I understand that Mexican law permits the extradition of your citizens in "exceptional cases." I respectfully submit to you that this case, and the current context of Mexican and US relations, qualify as exceptional. I, and the family and friends of the victim, believe that your intervention is vital to the successful prosecution of Mr. Rios.

This case is of the utmost importance to me, the people in my district and many of my colleagues in the Congress. That is why I have taken this extraordinary step of writing to you personally and enclosing a photograph of the victim, four-year old [redacted].

I hope that you will feel free to seek the assistance of me and others in the US Congress that wish to close this case and open a new chapter of closer US and Mexican relations.

Sincerely,

Ken Calvert

Mr. CONDIT. Thank you, Mr. Calvert.

Mr. Brown, your office made an effort to determine the extent of the problem and made several attempts to obtain data regarding the number of individuals who are Mexican nationals accused of crimes and believed to have fled to Mexico. Are you familiar with the work that has been done? What did you learn about that? Was there any information available? Were you able to obtain it?

Mr. BROWN. The sheriff of Riverside County——

Mr. CONDIT. By the way, we just lost our link to him. We hope to get it back.

Mr. BROWN. I hope this will not prejudice you against televised hearings.

Mr. CONDIT. No. You should have a great interest in that, Mr. Chairman.

Mr. BROWN. The sheriff of Riverside County went to great pains to research his own files to select pending cases over the last several years. He did come up with about two dozen such cases. I reviewed each of those cases, and I was struck by the seriousness of the crimes. I have already mentioned that one of them was a multiple murder, involving five people.

None of these crimes resulted in any effective law enforcement action. All of these are Mexican nationals who are thought or known to have returned to Mexico, and there have been no signs of any action by the Mexican Government to apprehend and prosecute them in Mexico and certainly not any interest in sending them back to the United States.

Mr. CONDIT. During that period of time, in your experience, what kind of attitude or cooperation did you receive from the Justice Department?

Mr. BROWN. The Justice Department has been eager to take steps that would remedy this situation, but it is not something that is going to be easy to do. I think we have a commitment from the Justice Department to seek the alleviation of this matter, but it is a complex matter.

To begin with, we probably need to look at the ways of simplifying the paperwork involved in the United States and ways of simplifying the recordkeeping system so that we can more quickly identify the backlog of pending cases and that sort of thing. Of course, the key factor is that we need to have very strong cooperation from the Mexican Government.

For reasons that have been mentioned, this has not been uniformly forthcoming. That is not to say that there have not been some individual examples of cooperation with law enforcement agencies between the two countries, but it has not become a uniform standard yet.

Mr. CONDIT. Susan mentioned the turf battle, in terms of local and Federal. Did you experience that, a lack of coordination, between any of you?

Mr. BROWN. I have not personally experienced it, but my staff, which has devoted a lot of effort to trying to pull all these pieces together, has informed me that they have been considerably frustrated by the difficulties in bringing about this sort of coordinated effort.

Mr. CONDIT. Mr. McCandless.

Mr. MCCANDLESS. Mr. Chairman, I mentioned in my statement two examples, Orange County and Riverside County, and more specifically Riverside County as it relates to one of the cases that we heard. There is a total frustration and lack of interest because nothing produces anything at the end of the line relative to the county district attorney's office.

As a result, because of their experience over a long period of time and the tremendous workload and these counties have relative to law enforcement and prosecution, irrespective of the seriousness of the crime, none of the counties appear to put a great deal of importance on a case that revolves around extradition from Mexico for the reasons we have talked about here earlier. So we need to address that issue.

In my opinion, if we were to be successful in concluding this treaty, and it became apparent to the law enforcement family that results would take place, then they would speed up their action and put it into their regular agenda as far as their spectrum of law enforcement and prosecution is concerned.

Mr. CONDIT. Mr. Shaw testified that he has been told that Mexican cooperation in extraditing their citizens to the United States is not even on the table. Is that correct, Mr. Shaw? You have also been pressing the United States to make this an issue with the Government of Mexico. What have you been told whether the extradition practices generally are on the table or not?

Mr. SHAW. The extradition as being on the table that I referred to was back during the Bush administration when the kidnapping took place down in Mexico. At that time, the United States agreed never to kidnap anyone else again out of Mexico. To me, it did not seem like we got a very good bargain, if we did not even talk about extradition at that time. As I understand, it was not on the table.

I would like to say, I am trying desperately to put it on the table as far as NAFTA is concerned, and I have certainly put it on the table as far as my vote on NAFTA is concerned.

As we bring our countries closer together, we have to have respect for Mexico's enforcement of Mexican law. When it involves the extradition of Americans who have violated that law, when the law is obviously the same type of law that we have in this country, we must cooperate with Mexico. In my opinion, it is not unfair to expect the same type of reciprocal conduct with Mexico, particularly as our economies would draw closer together in the event that NAFTA has passed.

I would like to say that as far as the present administration is concerned, I know that Mr. [illegible] has raised this issue with President Salinas. I am on a regular telephone basis with [illegible] our Ambassador to Mexico. I see that he demonstrates to him all it can to try to cooperate [illegible] about. I feel that it is of tremendous importance.

Mr. CONDIT. Mr. Brown, Mr. Calvert, and Mr. McCandless, do you think that this is on the table now?

Mr. BROWN. Mr. Chairman, I have found that the best way to get something on the table is to [illegible] interest in it. I am so happy that we have shown that interest on that issue so that it is on the table, and it has [illegible] to the top officials [illegible]

attention of the President of Mexico and their law enforcement officers.

I still think it is going to be a long, complex negotiation, but I have hopes that if we maintain our interest, it may proceed in a reasonable way.

Mr. MCCANDLESS. Mr. Chairman, it is my understanding, in following up on this, as I alluded in my testimony, that it is very much on the table. The reason the State Department and Justice Department did not wish to testify here today is that they felt any testimony might be inclined, in some form or another, to interfere with what they hope to be a successful negotiation of this, which we thought had been negotiated to the point of success on October 11, when you and I and the other members of the committee were in Mexico.

So I am optimistic that it is on the table. I am cautiously optimistic that there might be something come of it. It is a necessity, if Mexico is going to show, in my opinion, what it needs, in the way of good faith, relative to the relationship between the two countries. A respect for one another's laws, as Mr. Stupak pointed out with Canada, is important as a building block upon which trade then becomes another building block.

Mr. CONDIT. Mr. Calvert.

Mr. CALVERT. I obviously agree that it is on the table, and I believe that an extradition treaty is coming shortly.

Whether it comes before a particular date this month, I do not know, but Mexico is not going to go away. It is always going to be on our Southern border, and we need to get this treaty as quickly as possible.

Mr. CONDIT. I agree. I believe it is on the table. I hope it is on the table. It is on the table because of the persistence of the families of the victims and to you four gentlemen who have been very persistent on this issue. I appreciate very much you being here.

Mr. SHAW. Mr. Chairman, could I add one thing here? This problem is not unique to just Mexico. It is a bigger problem, because of our 2,000 mile border with Mexico and with our talking about integrating our economies through a NAFTA agreement. But we have this problem in other Latin American countries, and it must always be addressed throughout this hemisphere.

Mr. CONDIT. If you bear with me just a few more minutes, I want to ask my colleague, Mr. Stupak, if he has any questions.

Mr. STUPAK. Thank you, Mr. Chairman. I have not researched, and I do not mean to make this a NAFTA debate, but is there anything in NAFTA which would encourage some cooperation?

Mr. MCCANDLESS. No.

Mr. STUPAK. [illegible] what incentive then is there to really get the Mexican government to come forward [illegible] silence. I think it was the answer.

Mr. SHAW. This is something that [illegible] working on in the 15 years that I have been in Congress. This is the first time that I have found I have any leverage. I am trying the very best I can to use it to the full extent.

Mr. CONDIT. So we have leverage for 5 more days?

Mr. [illegible] This is a question of breaking a log-

This is a case that is so horrible that there is no one who can possibly defend the Mexican Government or any government for not turning this creep over to us. That is the linchpin here, and I think that is what is so unique. The timing of this with NAFTA really brings together a situation where there is only one right answer, and that is for Mexico to hand him over.

Mr. STUPAK. My concern is, we keep saying we have raised this issue, we believe it is on the table, we believe this, we believe this. We can say that until the cows come home, and the cows are never going to come home because they are all going to be shipped to Mexico underneath NAFTA. It is not a joking matter.

My concern, and Mrs. Thurman and I were talking about this, is this: Is there a statute of limitations in Mexico which would prevent extradition as these people hide behind these false treaties? In the United States, if there is an open warrant, there is no statute of limitation period. My concern is, if they are on the run long enough, the excuse not to extradite is that we have a statute of limitation that has expired, and therefore you cannot.

Mr. SHAW. I know of none.

Mr. STUPAK. Thank you.

Mr. CONDIT. Mrs. Thurman.

Mrs. THURMAN. I guess the question I have is to all of you, since you have all been working on one case or another. In all of your testimony, most of you talked about the lack of cooperation. Can anybody tell us why there is a lack of cooperation? What is that underlying feeling of why we are not getting any cooperation with Mexico?

Mr. BROWN. Let me try to answer that. There are, and have been for generations, mistrusts South of the border of the United States. That is based on many things: their feeling that we have oppressed them in the past and taken advantage of them and so on. That is slowly changing for the better, but it has still not been totally eradicated.

There are things that the United States has done more recently, such as kidnapping a Mexican citizen who was thought to have killed a drug agent, which is totally contrary to international law, and United States law as far as that is concerned, and that has reexcited the concerns of the Mexican Government.

Then there is also a widespread perception in Mexico that poor people, immigrants and minorities, do not get fair access to the United States judicial system. They exaggerate that, of course, but it is a perception down there. It has led to a somewhat less than enthusiastic response to the extradition of a Mexican citizen, no matter how heinous the crime, because their perception is that he would not be fairly treated.

I do not think that the things they complain about the United States doing or not doing, based upon past cultural experiences, are any longer true, or certainly not nearly as true as they may have been, but the perception lingers on. It lingers on throughout Latin America.

Mrs. THURMAN. We talked about the fact that there are 24 cases just in Riverside. Do we know how many there are right now with just Mexico?

Mr. BROWN. My guess would be that it would be 100 times more than that, just based on population.

Mrs. THURMAN. Do we know of any cases pending where we have not relinquished our prisoners to them?

Mr. BROWN. I do not have that information.

Mrs. THURMAN. Thank you.

Mr. CONDIT. Thank you very much.

Mr. SHAW. Before we do, I would like to add one thing, in all fairness to the Salinas government. We have come closer to cooperation than ever before. I feel that there is a desire on the part of his administration to try to work things out. I think, however, that our bottom line must not change, that we will settle for nothing other than extradition.

Mr. CONDIT. Thank you. I concur with that. Thank you very much. Mr. Brown, thank you for allowing us to use your hearing room today. I am sorry about the linkup.

Mr. BROWN. We will do better next time.

Mr. CONDIT. Like my colleagues, I am hopeful that Justice is moving on this extradition issue. However, I remain disappointed that they are not here today to listen to the witnesses and the discussions of my colleagues.

I would like to ask for unanimous consent to put in the record our witnesses from Riverside County today: Mr. Luca; Mr. Mercado, from the Bureau of Investigations, State of California; and Sheriff Byrd from Riverside County; and Mr. Halcon, from the San Diego district attorney's office.

We apologize to them and to all of you because we were not able to get the linkup correct so that we could hear their testimony.

I also would like to ask for unanimous consent to put a letter I received from the Los Angeles County sheriff's office regarding their experience with this issue. Without objection, the letter will be placed in the record.

[The information and the letter referred to follow:]

PREPARED TESTIMONY

OF

ENRIQUE MERCADO

SPECIAL AGENT SUPERVISOR

CALIFORNIA DEPARTMENT OF JUSTICE

BUREAU OF INVESTIGATION

MEXICAN LIAISON PROGRAM

REGARDING

THE MEXICAN BORDER - IMPACT ON LOCAL

LAW ENFORCEMENT IN THE UNITED STATES

BEFORE

SUBCOMMITTEE ON INFORMATION,

JUSTICE, TRANSPORTATION AND AGRICULTURE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

U.S. HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1993

INTRODUCTION

Mr. Chairman and members of the Subcommittee, thank you for requesting my testimony. I am Enrique Mercado, a Special Agent Supervisor for the California Department of Justice. Currently, I am assigned to the Mexican Liaison Unit, a program within the Bureau of Investigation, San Diego Regional Office. I have over 21 years of experience in law enforcement, and have been assigned to the Mexican Liaison Program for approximately six years.

California Attorney General Daniel Lungren and the Department of Justice are very appreciative to you, Mr. Chairman, and the entire Subcommittee for allowing me the opportunity to share with you information on the operation of our Mexican Liaison Program, which was the origin for foreign prosecution programs among California law enforcement agencies.

BACKGROUND

In 1975, the California Attorney General recognized the problem of fugitives suspected of committing a variety of serious crimes in California and fleeing to Mexico to avoid prosecution. That same year, the Attorney General authorized special agents of the California Department of Justice to travel into the Republic of Mexico to confer with Mexican authorities regarding this concern. Various guidelines and procedures in accordance with the laws of Mexico were established to facilitate locating and prosecuting these fugitives in the Republic of Mexico.

AUTHORITY

Under the authority of Article IV of the Mexican Federal Penal Code, the Mexican Federal Judicial System has the legal means to prosecute criminal suspects for crimes committed in a foreign country.

Basic requirements for prosecution under Article IV are as follows:

1. Either the suspect or the victim is a Mexican citizen.

2. The suspect is located in the Republic of Mexico.

3. The defendant has not been tried and convicted or tried and acquitted in the country in which he committed the offense.

4. The offense for which the person is charged constitutes an offense in both the foreign country in which the crime was committed, and in the Republic of Mexico.

CASE FILING PROCEDURES

Once the suspect is located in Mexico, the concerned law enforcement agency will contact the Mexican Liaison Unit and request assistance in filing a foreign prosecution. The district attorney having jurisdiction over the county where the offense was committed must authorize and approve the filing of the case in Mexico. The requesting police agency will submit the completed investigative package to the unit for review and compliance with Article IV requirements. All documents are required to be translated into Spanish. The case package is then submitted to the Mexican Consulate in the area where the crime was committed for legalization of the English portion of the material. Additional legalization is also performed by the Mexican Foreign Ministry in Mexico.

Upon completion of these procedures, our Mexican Liaison agents travel to Mexico and present the case to the Mexican Federal Prosecutor of the state where the suspect is located, for judicial processing and eventual prosecution. A prosecution in Mexico will bar all future prosecution in California on these charges. Occasionally, one or more representatives from the requesting agency will accompany our agents to Mexico to assist in presenting the case to Mexican authorities.

From the inception of our program, until early 1992, all expenses related to foreign prosecution were paid by the California Department of Justice. For approximately the last year, the requesting agencies have assisted in the defraying of travel, lodging, legalization fees, etc. The maximum estimated cost, if shared with another participating agency, is $600 per agency. Salary and overtime for our agents is paid by the California Department of Justice.

NUMBER AND TYPE OF CASES FILED BY MEXICAN LIAISON PROGRAM

Statistics compiled for approximately the last 12-year period (1981 to September 1993) revealed the following information:

1. Total number of Article IV's filed..... 149

2. Number of convictions obtained to date..... 29

3. Number of acquittals to date..... 4

4. Number of fugitive warrants still outstanding..... 116

Of the 149 cases filed in the Republic of Mexico, approximately 95% (141), were homicides. The remaining 5% (8), were for rape, mayhem, vehicular manslaughter, and attempted murder.

Presently, I have no statewide data available as to the number and types of crimes alleged to have been committed by Mexican nationals who have fled to Mexico to avoid prosecution. However, I have conducted an informal survey as to this data from police personnel from the City of Los Angeles and the City and County of Fresno, California. These are large metropolitan areas that experience problems with Mexican nationals who are suspected of committing major crimes and fleeing the jurisdiction. Consequently, the following information is submitted for your review:

In the City of Los Angeles, it is believed that approximately five percent of the criminals sought for violent crimes have fled to the Republic of Mexico. Many of these fugitives are Mexican citizens who can be prosecuted in Mexico for crimes committed in California.

Fresno County reports that annually, a large percentage of robberies and homicides are committed by criminals, who flee to Mexico in order to avoid apprehension and prosecution in the United States. In essence, more than ten percent of all violent crimes in the Fresno area can be attributed to these fugitives, many of whom could be prosecuted in the Republic of Mexico.

Although our Mexican Liaison Unit consists of only two agent personnel, I feel the program has experienced success relative to its law enforcement functions. The unit serves as the central depository for California law enforcement, handling all prosecution matters with the exception of three agencies in California who have their own unit. The program also promotes mutual assistance and the exchange of criminal intelligence in the United States and Mexico in matters related to narcotics, fugitives, and non-public documentary information and records.

In addition, each year the unit serves an important role in coordinating numerous conferences and meetings between officials from Mexico and the United States. The purpose of these conferences is to focus on ways to strengthen communications among the two countries in the areas of drug trafficking, auto theft, homicides, and missing persons.

Given these successes, the unit is limited in enforcement activities due primarily to its size. Consequently, the majority of the cases accepted for foreign prosecution are related to homicides. With the addition of new personnel and resources, the unit could expand and assist in the foreign prosecution of other crimes of violence, including rape, robbery, kidnapping, gang related, drive-by shootings, child molestations, aggravated assaults, etc.

It has been my experience that purely [illegible] prosecutor [illegible] with the [illegible] and the [illegible]

A[illegible], consideration should be given to establishing a Maximum [illegible] and Local [illegible] pattern.

I feel it is important that the area of [illegible] prosecution [illegible] grow in [illegible] that all the criminal justice [illegible] both Mexico and California continue to support this [illegible] environment.

On behalf of Attorney General [illegible] and the [illegible] Department of [illegible] for Indiana, we [illegible] the [illegible] prosecution [illegible] summary of newer [illegible] may have.

TESTIMONY OF SHERIFF COIS BYRD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
PRESENTED TO MEMBERS OF CONGRESS
SUB-COMMITTEE ON INFORMATION,
JUSTICE, TRANSPORTATION AND AGRICULTURE
NOVEMBER 9, 1993

MR CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD I AM SHERIFF COIS BYRD, THE SHERIFF OF RIVERSIDE COUNTY, CALIFORNIA

MY TESTIMONY BEFORE YOU TODAY IS IN THE MATTER OF SERAPIO Z. RIOS, A MEXICAN NATIONAL WHO HAS BEEN CHARGED WITH HEINOUS CRIMES IN RIVERSIDE COUNTY, AND WHO IS WANTED FOR ARREST.

RIOS IS CHARGED WITH CRIMES THAT ARE AN AFFRONT TO HUMANKIND. HE HAS BEEN THE SUBJECT OF AN EXTENSIVE INVESTIGATION BY MY STAFF. HE IS CHARGED WITH KIDNAPPING, 2 COUNTS OF CHILD MOLESTATION INCLUDING RAPE AND SODOMY, BURGLARY, ASSAULT WITH A DEADLY WEAPON AND INFLICTION OF GREAT BODILY INJURY DURING THE COMMISSION OF SEX CRIMES. THE VICTIM, A FOUR YEAR OLD CHILD WAS ABDUCTED FROM HER HOME BY

RIOS ON SEPTEMBER 14, 1992. SHE WAS PHYSICALLY ABUSED, THEN LEFT HANGING IN A TREE. RIOS THEN FLED TO MEXICO.

AN ARREST WARRANT WAS ISSUED FOR RIOS SEPTEMBER 29, 1992, AFTER STAFF REVIEW BY THE DISTRICT ATTORNEY AND THE SHERIFF OF RIVERSIDE COUNTY.

WE HAVE SOUGHT EXTRADITION OF RIOS TO STAND TRIAL FOR THESE CRIMES. EXTRADITION HAS NOT BEEN FORTHCOMING FROM THE REPUBLIC OF MEXICO. WE HAVE HEARD LOCALLY THAT VERY HIGH LEVELS IN THE MEXICAN FEDERAL ATTORNEY'S OFFICE HAVE INDICATED THAT RIOS WILL BE EXTRADITED, HOWEVER HAVE NOT BEEN FORMALLY NOTIFIED OF THIS POSSIBILITY.

WE ARE TOLD THAT THE MEXICAN AUTHORITIES ARE ATTEMPTING TO APPREHEND RIOS. I DO NOT KNOW WHAT LEVEL OF DILIGENCE THEY ARE APPLYING TO THIS CASE.

AS SHERIFF, AND AS THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY OF RIVERSIDE, I STRONGLY BELIEVE THAT RIOS SHOULD BE ARRESTED, EXTRADITED AND STAND TRIAL FOR THE CHARGES AGAINST HIM.

WE HAVE STRONG PHYSICAL EVIDENCE CORROBORATING STATEMENTS TAKEN FROM THE VICTIM THAT LEAD ME TO BELIEVE RIOS IS THE PRIME SUSPECT IN THIS CASE.

SHERIFF'S INVESTIGATORS BELIEVE THAT RIOS IS HIDING IN MEXICO. I AM TOLD THAT EXTRADITION IS ALMOST AN IMPOSSIBILITY FROM MEXICO. I KNOW OF NO INSTANCES WHERE WE HAVE SUCCESSFULLY EXTRADITED WANTED PERSONS FROM MEXICO TO STAND TRIAL HERE. WE HAVE 10 OTHER CASES I AM AWARE OF THAT INVOLVE ARREST WARRANTS FOR MEXICAN NATIONALS. MOST ARE MURDER CASES.

WE HAVE PURSUED FOREIGN PROSECUTION, AND HAVE RECENTLY FILED THE REQUIRED DOCUMENTS UNDER ARTICLE 4, TO BRING RIOS TO JUSTICE. DUE TO ITS RECENT SUBMISSION, I AM UNAWARE OF ANY PROGRESS THUS FAR.

THE BOTTOM LINE IN THIS CASE IS THAT SERAPIO RIOS MUST BE BROUGHT TO JUSTICE.

THE RIVERSIDE COUNTY SHERIFF'S DEPARTMENT WILL CONTINUE TO PURSUE HIM BY ANY LEGAL MEANS POSSIBLE. I BELIEVE THAT OUR FEDERAL AGENCIES SHARE THIS

DETERMINATION AS WELL.

I WAS RECENTLY ADVISED THAT THE MEXICAN FEDERAL GOVERNMENT NOW HAS SEVERAL HUNDRED TROOPS AND STAFF ASSIGNED TO HANDLE THESE TYPE CASES. I AM HOPING THAT THE FOCUS PROVIDED BY YOUR COMMITTEE WILL BE A POSITIVE INFLUENCE ON THEIR ACTIONS.

I HAVE MET WITH [illegible] OF THE LOCAL MEXICAN CONSULATE IN [illegible]. SHE IS WELL RESPECTED BY LOCAL LAW ENFORCEMENT OFFICIALS. SHE ASSURES ME THAT THE MEXICAN PEOPLE AND GOVERNMENT WANT TO COOPERATE. THEY ARE PREPARED TO PROSECUTE CASES SUBMITTED UNDER THEIR ARTICLE 4 IN MEXICO. I AGREE THIS IS A VIABLE SOLUTION FOR MOST CASES, HOWEVER, THERE ARE SOME CRIMES WHICH ARE SO HEINOUS THAT THE EXTRADITION PROCESS SHOULD BE USED FOR PROSECUTION HERE IN THE UNITED STATES. WE SHOULD BE AS WILLING TO RECIPROCATE. THERE IS NOW A FEDERAL PROPOSAL FOR A FREE TRADE AGREEMENT WITH MEXICO. IF THIS OCCURS THE MOVEMENT OF PEOPLE BETWEEN OUR NATIONS MUST SURELY INCREASE. THIS WILL [illegible]

AND THE UNITED STATES TO CONTROL THE
CRIMINAL ELEMENT WHICH WILL BE FOUND
IN THIS MOVEMENT OF PEOPLE.

IN THE CASE OF [illegible]
JUSTICE, THE YOUTH, THE LIBERTARIAN
AND EVERY LAW ABIDING CITIZEN OF THE
NATION AND ALL WHO WANT LAW AND

I WILL APPRECIATE ANY HELP I CAN BE GIVEN
CAN PROVIDE IN THIS REGARD. I AM WILLING
WILLING TO TRAVEL IN THE INTERESTS AND
COMMITTEE MAY HAVE.

WE [illegible]
DOCUMENTS.

Gary A. Condit, California, Chairman
Major Owens, New York
Karen Thurman, Florida
Lynn Woolsey, California
Bart Stupak, Michigan

Craig Thomas, Wyoming
Ranking Minority Member
Ileana Ros-Lehtinen, Florida
Stephen Horn, California

ONE HUNDRED THIRD CONGRESS

**Congress of the United States**

House of Representatives

Information, Justice, Transportation, and Agriculture
Subcommittee
of the
Committee on Government Operations
B-349-C Rayburn House Office Building
Washington, DC 20515

(202) 225-3741

FAX (202) 225-2445

October 26, 1993

The Honorable Edwin L. Miller, Jr.
District Attorney
County of San Diego
101 W. Broadway, Suite 1440
San Diego, California 92101-8215

Dear ~~Mr.~~ Ed Miller:

On November 9, 1993, the Subcommittee on Information, Justice, Transportation and Agriculture will conduct a hearing entitled "The Mexican Border--Impact on Local Law Enforcement in the United States". The purpose of this letter is to request that you or your designated representative testify to describe your experience with the Article IV prosecution program in Mexico.

Your statement should include a discussion of how the program works; the number and types of cases that are prosecuted; and your assessment of the success and limitations of the program. In addition, we would be interested in hearing any suggestions that you have for improving its effectiveness. Finally, if you have data regarding the number and types of crimes alleged to have been committed by Mexican nationals who are believed to have fled to Mexico and who are not prosecuted, please include that data in your presentation.

The hearing will take place in Room 2203 of the Rayburn House Office Building and begin at 10:00 a.m. Committee rules provide for submission of the witness' statement 24 hours in advance of the hearing. Accordingly, please submit 20 copies of the testimony to the Subcommittee by 10:00 a.m. on Monday, November 8, 1993. An additional 50 copies of the testimony should be brought to the hearing for distribution to the press and the public. Please be prepared to summarize your statement in 5 to 10 minutes and to respond to questions from Members of the Subcommittee. Your full statement will be included in the record. Please be advised that it is the practice of the Subcommittee to receive testimony under oath.

Thank you for your assistance in this matter. The Subcommittee staff contact on this matter is Kathy Seddon (202) 225-3741.

Sincerely yours,

Gary A. Condit
Chairman

RICHARD J NEELY
Assistant District Attorney
BRIAN E MICHAELS
Chief Deputy District Attorney
RICHARD C FRAME
Chief Investigator

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO
EDWIN L. MILLER, JR.
DISTRICT ATTORNEY

101 W BROADWAY, SUITE 1A40
SAN DIEGO, CA 92101-8215
(619) 531-4113

October 28, 1993

Honorable Gary A. Condit
Chairman
Committee on Government Operations
Congress of the United States
B-349-C Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Condit:

Thank you for your letter dated October 26, 1993 and your kind invitation to appear before your sub-committee on Mexico Border Law Enforcement Impact. I regret my schedule precludes acceptance at this time.

You raised a number of questions, which I will now address.

The Article IV prosecutions program is based on Mexican federal law that permits the prosecution for crimes committed in a foreign country by a Mexican or foreign citizen, providing:

1. the defendant is found in the Republic of Mexico;

2. the defendant has not been definitively tried in the country where the offense was committed; and

3. the offense for which the person is to be charged constitutes an offense in the country in which it was committed, as well as in the Republic of Mexico.

When a suspect commits an offense in the United States and flees to Mexico, and his location is known, American law enforcement representatives can go directly to the Mexican federal prosecutor in that jurisdiction and file a complaint under Section 2 of the Mexican Federal Code of Criminal Procedures, which states that it is the duty of the Mexican federal prosecutor to:

1. issue the complaint filed by individuals or authorities;

2. carry out the investigation;

3. look for evidence of the offense and of the responsible person or persons involved; and

4. bring forth criminal prosecution.

Section 7 of the code provides that the competent court in these matters shall be the one in whose jurisdiction the defendant is located in the Republic of Mexico.

My office began to formally pursue prosecutions in the Republic of Mexico in January 1986. During the period 1971 through 1985, selected cases were pursued at my request through the California Department of Justice, whose representatives prepared and presented the cases on my behalf.

From January 1986 to January 1992, my office presented 83 felony cases throughout the Republic of Mexico. Of these, we obtained 69 convictions. Mexico presently holds 28 fugitive warrants for various individuals. Since the start of my program, a policy that only the most serious offenses (e.g., murder, crimes involving serious injuries, sexual offenses against minors) be presented in Mexico was informally adopted with the desire not to overburden the judicial system of Mexico. Overall, this program has been very successful. The conviction rate has been extremely high, whereas the likelihood those defendants would return to the United States after committing a grave offense is very low.

One of the major obstacles we encountered in furtherance of this program was our inability to monitor the pursuit of fugitive suspects who were not arrested by Mexican police at the initial stages of the investigation. Additional complications resulted from the constant change of personnel at the federal prosecutor and police levels. However, it appears this obstacle may now have been overcome.

On October 21, 1993, a meeting was called at the office of the Mexican Consul General at Los Angeles. Present were Mexico liaison agents as well as Ms. Mary Troland, Associate Director, International Affairs, Washington, D.C., and Juan Miguel Ponce Edmondson, Consul for Legal Affairs, Republic of Mexico. Ms. Troland and Consul Ponce announced that per agreement by United States Attorney General Janet Reno and Mexico Attorney General Jorge Carpizzo McGregor, that a central office for the receiving, distribution and monitoring of Article IV cases had been established by Mexico. Four attorneys, directed by Lic. Victor Corzo, are to be responsible for the Article IV program, with all cases to be presented to that office. That office is to assume ultimate responsibility for distribution, monitoring, updating and notification to the concerned U.S. agencies. We expect this newly formed office will overcome the problems we have been experiencing in the follow-up of our cases.

The utility of such a program is apparent. A recent report from the California Department of Justice indicates that 35% of the violent crimes in Los Angeles are committed by Hispanics. Between 15% and 20% of the suspects in those offenses have fled to other jurisdictions which, in most instances, is Mexico. Fresno County reports that annually 50% to 65% of reported robberies and homicides are committed by Mexican nationals who are at large and believed to have returned to Mexico. Similarly, Fresno County authorities estimate that 30% to 50% of assault with deadly weapon cases are committed by Mexican citizens who have fled to Mexico. Other major metropolitan areas in California report similar statistics.

It should be noted that prosecution in Mexico is cost effective. Prosecutions are simple in that actual testimony of witnesses is rare and the rules of evidence are non technical. Also, expenses at this level are borne by the Mexican government.

I respectfully suggest that your sub-committee give strong consideration to urging federal financial assistance to agencies such as mine through federal grants or other means to help augment our foreign prosecutions units. In that fashion, an enhanced effort can be made in the area of Article IV prosecutions. As a matter of information, I have received inquiries from the counties of San Francisco, Santa Clara, San Jose, San Mateo, Santa Barbara and others requesting information concerning the basic procedural steps to be followed in effecting foreign prosecutions. Apparently, these counties are considering the formation of their own respective units.

Based upon our historical and current experiences, we anticipate that the number of Mexican citizens committing crimes in the United States and fleeing to Mexico will increase. Augmentation of the Mexican liaison programs would serve to satisfy a need in the California justice system to seek out and prosecute individuals who commit violent crimes in this state and flee to Mexico to avoid prosecution. An expanded implementation of this concept would send a message to the families and relatives of victims that both governments are making every effort to bring defendants to justice.

Again, I regret my inability to attend your sub-committee hearing, but if I can be of further service to you in this project, please do not hesitate to contact me.

Sincerely,

Edwin L. Miller Jr.

EDWIN L. MILLER, JR.
District Attorney

ELM:ty

Gary A. Condit, California, Chairman
Major Owens, New York
Karen Thurman, Florida
Lynn Woolsey, California
Bart Stupak, Michigan

Craig Thomas, Wyoming
Ranking Minority Member
Deana Ros-Lehtinen, Florida
Stephen Horn, California

ONE HUNDRED THIRD CONGRESS

**Congress of the United States**

**House of Representatives**

Information, Justice, Transportation, and Agriculture
Subcommittee
of the
Committee on Government Operations
B-349-C Rayburn House Office Building
Washington, DC 20515

(202) 225-3741

FAX (202) 225-2445

October 19, 1993

The Honorable Sherman Block
Sheriff of Los Angeles County
4700 Roman Boulevard
Monterey Park, California 91754-2169

Dear Sheriff Block:

In accordance with a conversation which took place between a member of the Subcommittee staff and Captain Phil Brooks of your office, I am writing to request information regarding your experience with Mexican citizens who commit crimes in the United States, then flee to Mexico.

As you know, my Subcommittee has oversight jurisdiction over the U.S. Department of Justice, and we have been concerned about aliens who commit crimes in the United States. The Subcommittee has been contacted by individuals who are particularly concerned about the problems associated with prosecuting Mexican nationals who commit crimes in the United States, then flee to Mexico. I am seeking information about the nature and extent of the problem and the success of efforts to obtain prosecution.

I understand that your department has ongoing an active effort to seek prosecution of Mexican nationals in Mexico. Accordingly, I would appreciate being informed regarding how the program works, the types of crimes that are pursued through the program, and your assessment of its success. In addition, we would like to obtain any data that you may regarding the number of Mexican nationals who commit crimes in the United States, then flee to Mexico. I recognize that any such data would necessarily be limited to your jurisdiction, however, we have been unable to identify a nationwide source of such information. In addition, we would be interested in knowing whether you have sought extradition for such individuals and, if so, what has been your experience. Finally, I would be interested in knowing whether or not you work with the U.S. Department of Justice on these matters.

Thank you for your assistance in this matter. If you or your staff have any questions, the Subcommittee contact is Kathy Seddon at (202) 225-3741.

Sincerely yours,

Gary A. Condit
Chairman

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

SHERMAN BLOCK, SHERIFF

(213) 974-4340

November 1, 1993

Honorable Gary A. Condit
House of Representatives
Washington, DC 20515

Dear Congressman Condit:

In response to your inquiry regarding the prosecution of Mexican nationals in Mexico by this Department, the following is provided for your information.

The Los Angeles County Sheriff's Department has sought prosecution of Mexican nationals in Mexico on a limited basis for several years. In 1989, one investigator assigned to the Homicide Bureau was specifically designated to pursue prosecution of Mexican nationals who committed homicides or other violent crimes in our jurisdiction and fled to Mexico.

To date, we have successfully prosecuted 25 homicide cases and five sexual child abuse cases in Mexico.

The foreign prosecution of Mexican nationals is accomplished by following a procedure established by the California Department of Justice. This involves presenting the case package to the local District Attorney for a filing of charges, obtaining an arrest warrant from the court having jurisdiction over the crime and translating the entire package into Spanish. Once this has been completed the package is certified by the Mexican Consul in Los Angeles and ready for presentation to prosecutors in Mexico City by our investigators.

The number of Mexican nationals who commit crimes in this jurisdiction and flee to Mexico is not known. The only data available is from our solved cases wherein a suspect is identified as a Mexican national.

The majority of cases we pursue are capital murder cases. Even though an extradition treaty exists between Mexico and the United States, Mexico has no death penalty and will not, in fact, extradite their citizens to a state that does have one.

Finally, we have not found it necessary to contact the U.S. Department of Justice on these matters, but would not hesitate to do so should the need arise.

If I can be of any further assistance to you please contact me or Lieutenant Frank Merriman at (213) 974-4340.

Sincerely,

SHERMAN BLOCK, SHERIFF

Donn P. Brooks, Captain
Homicde Bureau

Mr. CONDIT. We will take the next panel. Our next witnesses are representatives of the INS and the Border Patrol employees' unions. Susan testified that they had received reports that Mr. Rios may have returned to the United States, and we want to know how it is possible that an individual for whom an arrest warrant is issued could have crossed the borders without being identified. So we have with us today Mr. Bonner and Mr. Magee.

We have a practice of swearing in all witnesses. I ask you to stand with me and raise your right hand.

[Witnesses sworn.]

Mr. CONDIT. Let the record indicate that both said yes.

Mr. Bonner is the national president of the National Border Patrol Council, American Federation of Government Employees. We will begin with you.

## STATEMENT OF T.J. BONNER, NATIONAL PRESIDENT, NATIONAL BORDER PATROL COUNCIL, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. BONNER. Thank you, Mr. Chairman, for the opportunity to address this important issue from the perspective of the men and women of the Border Patrol who enforce our Nation's immigration laws in between the ports of entry.

Recent events have forced America to focus attention on the long-ignored issues of illegal immigration. Hundreds of Chinese nationals have been captured attempting to illegally enter the country on both coasts, and over a million people of all nationalities are apprehended annually attempting to illegally cross our land border with Mexico.

The bombing of the World Trade Center and the shooting spree at the headquarters of the Central Intelligence Agency, both carried out by foreign nationals in this country illegally, have made us acutely aware of our vulnerability to acts of terrorism. Although crimes perpetrated by foreigners in this country are certainly not new, the rising percentage of such crimes is alarming.

According to the latest available figures, almost one-fourth of the entire inmate population in Federal prisons was born in foreign countries. Nearly 20 percent of persons arrested in major U.S. cities are foreign nationals. Of course, these figures do not take into account the large numbers of criminals who are not arrested or prosecuted.

The law enforcement, judicial, and correctional expenses of responding to crimes committed by foreigners in the United States are staggering. In these times of fiscal austerity for all levels of government, we cannot afford to ignore this problem.

Efforts to apprehend foreign criminals are complicated by the ease with which they can traverse the land border between the United States and Mexico and the fact that there is no viable extradition treaty between the two countries. Law enforcement agencies in the United States have been largely unsuccessful in attempts to secure the cooperation of Mexican law enforcement agencies in locating fugitives that are believed to have fled to Mexico.

Even within the boundaries of the United States, cooperation between law enforcement agencies leaves much to be desired. Federal law enforcement agencies often engage in senseless jurisdictional

battles among themselves, refusing to share valuable information out of fear that another agency will utilize political influence to take over an investigation or will take credit for the results of investigations.

In many instances, components of the same agency, such as the Criminal Investigations Branch and Border Patrol, both of the Immigration and Naturalization Service, do not even cooperate with each other, duplicating investigative efforts because of a lack of communication and ineffective administrative procedures.

Even where Federal agencies attempt to cooperate with each other, they are hampered by incompatible technology. Most agency computer data bases are not capable of sharing information, and many agencies do not have radios designed or programmed to communicate with other agencies.

The level of cooperation between local, State, and Federal jurisdictions is no better. For example, although San Diego, CA, is a crossing point for more illegal immigrants than any other part of the country, the officers of the San Diego Police Department are prohibited by an internal policy from detaining illegal immigrants for release to the Border Patrol. Many other cities have adopted similar policies and resolutions.

The lack of shared information and intelligence between local, State, and Federal law enforcement agencies hampers the efforts of those agencies that attempt to cooperate with each other. Modern technology could alleviate many of these problems but is not being utilized effectively in most agencies.

For example, although the Border Patrol encounters thousands of illegal immigrants on a daily basis, it has no means of positively identifying them. There is no doubt that a number of criminals are apprehended by the Border Patrol every day, but in almost all instances they are allowed to voluntarily return to their claimed country of origin without being prosecuted. Although technology capable of rapidly scanning and matching fingerprints is available, it is not employed by the Border Patrol.

The enactment of the North American Free Trade Agreement, as currently structured, will heighten the difficulty of the tasks faced by law enforcement officers having jurisdiction over areas near the border. The increased volume of legitimate traffic through ports of entry will shorten the already brief time allotted to Immigration and Customs personnel to inspect persons and conveyances, allowing more people and contraband to be smuggled into the United States and decreasing the odds that fugitives from justice can be identified.

Technology to alleviate this problem also exists but is not being utilized. Magnetic strips on immigration documents contain encoded information that is virtually counterfeit-proof. If all U.S. citizens traveling out of the country were required to carry a similarly encoded passport, the inspection of all persons entering the United States would be greatly expedited.

Linking Federal, State, and local law enforcement data bases into the computers that read such documents would prove to be an invaluable tool in identifying and apprehending criminals attempting to enter the United States. Unfortunately, the equipment to

read immigration documents is not currently in place in ports of entry or other field locations.

In sum, law enforcement agencies at all levels of government are being overwhelmed by the rise in crimes committed by foreigners. To effectively respond to this problem, agencies need to fully cooperate with each other and take advantage of the latest technological advances. The safety of the American public demands the swift enactment and implementation of the foregoing recommendations.

Thank you. This concludes my remarks.

[The prepared statement of Mr. Bonner follows:]

STATEMENT OF THE

NATIONAL BORDER PATROL COUNCIL

OF THE

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

AFL-CIO

BEFORE THE

INFORMATION, JUSTICE, TRANSPORTATION, AND AGRICULTURE

SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

UNITED STATES HOUSE OF REPRESENTATIVES

# THE MEXICAN BORDER

## IMPACT ON LOCAL LAW ENFORCEMENT IN THE UNITED STATES

PRESENTED BY

T.J. BONNER

NATIONAL PRESIDENT

NOVEMBER 9, 1993

Recent events have forced America to focus attention on the long-ignored issues of illegal immigration. Hundreds of Chinese nationals have been captured attempting to illegally enter the country on both coasts, and over a million people of all nationalities are apprehended annually attempting to illegally cross our land border with Mexico.

The bombing of the World Trade Center and the shooting spree at the headquarters of the Central Intelligence Agency, both carried out by foreign nationals in this country illegally, have made us acutely aware of our vulnerability to acts of terrorism. Although crimes perpetrated by foreigners in this country are certainly not new, the rising percentage of such crimes is alarming. According to the latest available figures, almost one-fourth of the entire inmate population in Federal prisons was born in foreign countries. Nearly twenty percent of persons arrested in major U.S. cities are foreign nationals. Of course, these figures do not take into account the large numbers of criminals who are not arrested or prosecuted. The law enforcement, judicial, and correctional expenses of responding to crimes committed by foreigners in the United States are staggering. In these times of fiscal austerity for all levels of government, we cannot afford to ignore this problem.

Efforts to apprehend foreign criminals are complicated by the ease with which they can traverse the land border between the United States and Mexico, and the fact that there is no viable extradition treaty between the two countries. Law enforcement agencies in the United States have been largely unsuccessful in attempts to secure the cooperation of Mexican law enforcement agencies in locating fugitives that are believed to have fled to Mexico.

Even within the boundaries of the United States, cooperation between law enforcement agencies leaves much to be desired. Federal law enforcement agencies often engage in senseless jurisdictional battles among themselves, refusing to share valuable information out of fear that

another agency will utilize political influence to take over an investigation or will take credit for the results of investigations. In many instances, components of the same agency, such as the Criminal Investigations branch and Border Patrol of the Immigration and Naturalization Service, do not even cooperate with each other, duplicating investigative efforts because of a lack of communication and ineffective administrative procedures. Even where Federal agencies attempt to cooperate with each other, they are hampered by incompatible technology. Most agency computer databases are not capable of sharing information, and many agencies do not have radios designed or programmed to communicate with other agencies.

The level of cooperation between local, State, and Federal jurisdictions is no better. For example, although San Diego, California is the crossing point for more illegal immigrants than any other part of the country, the officers of the San Diego Police Department are prohibited by an internal policy from detaining illegal immigrants for release to the Border Patrol. Many other cities have adopted similar policies and resolutions.

The lack of shared information and intelligence between local, State, and Federal law enforcement agencies hampers the efforts of those agencies that attempt to cooperate with each other. Modern technology could alleviate many of these problems, but is not being utilized effectively in most agencies. For example, although the Border Patrol encounters thousands of illegal immigrants on a daily basis, it has no means of positively identifying them. There is no doubt that a number of criminals are apprehended by the Border Patrol every day, but in almost all instances they are allowed to voluntarily return to their claimed country of origin without being prosecuted. Although technology capable of rapidly scanning and matching fingerprints is available, it is not employed by the Border Patrol.

The enactment of the North American Free Trade Agreement as currently structured will heighten the difficulty of the tasks faced by law enforcement officers having jurisdiction over areas near the border. The increased volume of legitimate traffic through ports of entry will shorten the already brief time allotted to Immigration and Customs personnel to inspect persons and conveyances, allowing more people and contraband to be smuggled into the United States and decreasing the odds that fugitives from justice can be identified. Technology to alleviate this problem also exists, but is not being utilized. Magnetic strips on immigration documents contain encoded information that is virtually counterfeit-proof. If all United States citizens travelling out of the country were required to carry a similarly encoded passport, the inspection of all persons entering the United States would be greatly expedited. Linking Federal, state and local law enforcement databases into the computers that read such documents would prove to be an invaluable tool in identifying and apprehending criminals attempting to enter the United States. Unfortunately, the equipment to read immigration documents is not currently in place at ports of entry or other field locations.

In sum, law enforcement agencies at all levels of government are being overwhelmed by the rise in crimes committed by foreigners. To effectively respond to this problem, agencies need to fully cooperate with each other and take advantage of the latest technological advances. The safety of the American public demands the swift enactment and implementation of the foregoing recommendations.

Mr. CONDIT. Thank you, Mr. Bonner.

Mr. Magee is president of the Immigration and Naturalization Service Council, American Federation of Government Employees, Local 2805. I appreciate your being here. Thank you.

## STATEMENT OF R. MICHAEL MAGEE, PRESIDENT, IMMIGRATION AND NATURALIZATION SERVICE COUNCIL, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 2805

Mr. MAGEE. I would like to ask that my entire written statement be entered into the record.

Mr. CONDIT. Without objection.

Mr. MAGEE. Mr. Chairman and members of the committee, my name is Michael Magee. I am president of AFGE, National INS Council, Local 2805.

Local 2805 represents all the Immigration and Naturalization Service employees in San Diego and Imperial Counties in California. These employees include all the immigration inspectors at all the land border ports of entry with Mexico and the State of California.

I have worked as a local police officer in California, a Border Patrol agent, an immigration inspector, and an immigration deportation officer.

I thank you for the opportunity to testify today at this hearing. My testimony will focus on the actual experience of immigration inspectors who are tasked with inspecting and admitting all people who apply for admission to the United States at the United States-Mexican border.

The numbers of people entering the United States are vast. Immigration inspectors do not have the resources to deal with the criminals interspersed in this vast wave of humanity. The immigration inspectors are frustrated in their individual efforts to ferret out these criminals from the law abiding applicants for entry into this country.

The San Ysidro port of entry in San Diego is the largest land border port in the world. Over 40,000 occupied vehicles and 20,000 pedestrians enter the United States through San Ysidro every day. Last month alone, almost 4 million people crossed legally into the United States at San Ysidro.

The land border port of entry is a place of service and enforcement. Much greater emphasis is placed on service to those applying for entry than on the apprehension of criminal aliens. More resources are devoted to service than enforcement. This allotment of resources has been dictated by the American people and their representatives. That is because the law abiding U.S. citizens and aliens entering this country legally do not want to wait in long lines for a cursory inspection or a few documents.

If enforcement efforts and the apprehension of criminals is to be increased, and it must, then additional resources, facilities, training, and personnel must be allocated for that effort. The law-abiding border crossing public already waits in long lines for service, and they will not tolerate the reassignment of existing resources from immigration service efforts to law enforcement efforts at the port of entry.

The facilities and the policies at ports of entry are not designed for law enforcement. Immigration inspectors are not expected to perform police duties. If they were, they would be treated like law enforcement officers and receive the same type of training and compensation.

The immigration inspector's primary duty is to ensure compliance with the Immigration and Nationality Act, not the apprehension of wanted criminals. They are not trained, recognized, or compensated as Federal law enforcement officers.

Immigration inspectors should have two roles: To provide prompt courteous service to citizens, their families, legal immigrants, legal visitors, and refugees, and to enforce the laws of the United States, arrest and prosecute violators, and intercept smugglers, terrorists, and wanted criminals. The Office of Personnel Management has decided that the latter is not the job of immigration inspectors. No one else at the land border ports of entry has that role. Our dedicated inspectors can perform that role with proper personnel, training, and facilities.

Individual inspectors are constantly frustrated in their enforcement efforts. Just before I came to Washington, Inspector Steve Niles told of a case he had just last week. A man presented a U.S. birth certificate as his proof of citizenship. Steve became suspicious for a number of reasons, one being that this person could not remember their address in the United States, only that they lived here in Silver Spring, MD.

Steve called information and got the phone number of the person named on the birth certificate in Silver Spring, and he called Silver Spring. That person was there, even as another person stood in front of him claiming to be the same person.

Steve had to rotate back out to the primary inspection traffic lanes. That is his primary job. The suspect was allowed to return to Mexico, because no one else there really cared. I believe this person probably came back during rush hour and was admitted by another inspector. We do not know who he was. He could have been anyone at all. This is a common occurrence at the border.

When I was an immigration inspector, I remember one guy who used to crash the pedestrian gate all the time. He was a legal resident, and he had a green card, and he lived in San Diego. He often traveled to Tijuana. He was, and may still be, a heroin addict. So he always tried to orally false claim to U.S. citizenship to avoid inspection. When anyone would question him or stop him, he would just run. If he ran back to Mexico, he would just try later when a new inspector was on the line. I must have chased this same guy a dozen times myself. He would run whenever he saw that someone recognized him.

Anyone who wants to enter this country as a false claim to U.S. citizenship can, if they are patient and persistent. Most returning criminal aliens enter by false claim to U.S. citizenship. San Ysidro must have a high number of criminal aliens crossing the border because all Mexican citizens who are criminal deportees, released from jails and prisons throughout California, are funneled down to the Tijuana/San Diego border area and deported there.

Because the apprehension of these types of aliens is not the primary job of immigration inspectors, the numbers apprehended at

the border are small. The Immigration Service does see these criminals again, the next time they are released from prison or jail.

That is because these criminals do return to their homes in San Diego and Los Angeles and Orange County and other parts of California. They do commit other crimes or violate their parole or probation and, in doing so, disrupt or even destroy the lives of law abiding U.S. citizens and legal residents.

What can the government do to change this unacceptable situation? This is a broad and complex issue. I will not pretend to say I have the answer.

First, you, the American people must decide what it is that you want. If you want Federal law enforcement officers at the ports of entry, then put them there, because they are not there now. Inspectors, both Immigration and Customs inspectors, are not treated as law enforcement officers.

The way we have controlled our borders in the past clearly does not work any more, though we continue to devote resources to doing it the same old way. People cry out for more personnel and money to expand a system that does not work now. We need to do a comprehensive study of what we are doing and what we want to do at the international border.

Federal employee unions can help with that because our people are there on the ground now. Working together and with God's help, I am certain we can take back control of our borders and control them in a humane manner. If we are not committed to change in the way we do this business, then we must accept that we have lost, and we will not regain control of our international borders.

I would like to make one last comment concerning our lack of control over our borders. The first time I came to Washington many years ago, you did not have these big concrete flower pots all around the Capitol, the congressional buildings, the White House, and other governmental buildings. I understand these are antiterrorist flower pots.

I am certain the terrorists you are worried about are aliens who will have to cross an international border in order to reach their targets. These huge concrete flower pots are an admission by our government that we lost control of our international borders. Whenever you see these flower pots, remember, they are there because we do not have the will to control our own borders.

This concludes my testimony. I will be happy to answer any questions the subcommittee may have.

[The prepared statement of Mr. Magee follows:]

**NATIONAL IMMIGRATION AND NATURALIZATION SERVICE COUNCIL**
OF THE
**American Federation of Government Employees**

Affiliated with AFL-CIO

Local 2805
Post Office Box 199002-509
San Diego, California 92159

*In Reply Please Refer To*

STATEMENT BY

R. MICHAEL MAGEE
PRESIDENT

IMMIGRATION AND NATURALIZATION SERVICE COUNCIL

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

AFL-CIO

LOCAL 2805

BEFORE

THE SUBCOMMITTEE ON GOVERNMENT INFORMATION, JUSTICE, TRANSPORTATION, AND AGRICULTURE

COMMITTEE ON GOVERNMENT OPERATIONS

ON

THE MEXICAN BORDER–IMPACT ON LOCAL LAW ENFORCEMENT IN THE UNITED STATES

NOVEMBER 9, 1993

TO DO FOR ALL THAT WHICH NONE CAN DO FOR ONESELF

Mister Chairman and Members of the Subcommittee: My name is R. Michael Magee, I am President of the AFGE, National INS Council, Local 2805. Local 2805 represents all the U.S. Immigration and Naturalization Service employees in San Diego and Imperial counties in California. These employees include all the Immigrations Inspectors at all the land border Ports of Entry with Mexico in the State of California. I have worked as a local police officer in California, a Border Patrol Agent, an Immigration Inspector, and an Immigration Deportation Officer. I thank you for the opportunity to testify today at this hearing on, "The Mexican Border--Impact on Local Law Enforcement in the United States." My testimony will focus on the actual experience the Immigration Inspectors, who are tasked with inspecting and admitting all people who apply for admission to the United States, at the Mexican-U.S. border. The numbers of people entering the U.S. are vast, Immigration Inspectors do not have the resources to deal with the criminals interspersed in this vast wave of humanity, and Immigration Inspectors are frustrated in their individual efforts to ferret out these criminals from the law abiding applicants for entry into this country.

The San Ysidro Port of Entry in San Diego, California is the largest land border port in the world. Over 40,000 occupied vehicles and 20,000 pedestrians entry the United States through San Ysidro, every day. Last month alone, almost four million (3,821,000) people crossed into this country legally, at San Ysidro alone. Let me put that vast number of people in perspective for the Members of this Subcommittee, more people enter through

San Ysidro in one year than the combined total of all those that live in all the Subcommittee Members Congressional districts. Please picture every one of your constituents in the district coming down one road and one sidewalk to your office within a six week period, with only twenty staffers to assistant them, with a wide range of requests and services. Now, you have an idea of the vast wave of humanity Immigration Inspectors must deal with every day, twenty four hours a day, seven days a week.

Immigration Inspectors have many duties and responsibilities. They must determine each applicant for entry's (anyone crossing the borders) citizenship. If a person claims to be a United States Citizen (USC), they are not "inspected", they are just admitted into this country. When a determination of alienage is made (they say they are not a USC), then the Immigration Inspector must "inspect" their documents and often provide them with other documents. Alien applicants for entry fall into several categories. Those include: visitors, new immigrants, parolees, non-immigrants of many types, malafide entry documents, documented false claims the U.S. citizenship, oral false claims to U.S. citizenship, port runners, smuggled aliens, Mexican Border Crossers (BCC)[1], commuter aliens (commuter LAPR)[2], and returning permanent residents (LAPR)[3]. With the except of BCC's and LAPR's, all these aliens do require some kind of additional document creation by the Immigration Inspectors.

1)Mexican Border Crosser Card-allows Mexican citizens living in the border area to visit the U.S., for three days and within twenty miles of the border without a visa or passport. 2)Lawfully Admitted for Permanent Residence, commutes from Mexico to work in U.S. (3)Lawfully Admitted for Permanent Residence, resides in U.S.

Immigration Inspectors must also perform Customs inspections while at the primary inspection station. This duty results in numerous drug seizures and the associated paper work done by Immigration Inspectors.

There are about one hundred and thirty (130) Immigration Inspectors assigned to the San Ysidro and Otay Mesa Ports of Entry. With operations twenty-four hours a day, seven days a week, and some Immigration Inspectors assigned to Otay Mesa, which admitted 820,000 people last month, the result is only about twenty Immigration Inspectors working at the San Ysidro Port at any one time. These few dedicated Immigration Inspectors are expected to provide service to this multitude and detect criminals attempting to entry our country. They do their jobs with limited resources and training.

The land border Port of Entry is a place of service and enforcement. Much greater emphasis has been placed on service to those applying for entry than on the apprehension of criminals. More resources are devoted to service than enforcement. This allotment of resources has been dictated by the American people, and their representatives, not INS management. That is because those law abiding U.S. citizens and aliens entering this country legally do not want to be inconvenienced at the international border. They don't want to have to wait in long lines for a cursory inspection or a few documents. They complain to their representatives when they are inconvenienced, and they have every right to complain. But, I've never heard one criminal complain that too few resources were used in apprehension of criminals, thus

allowing him or her to cross the border at will, with little threat of being caught. If enforcement efforts and the apprehension of criminals is to be increased, and it must, then additional resources, facilities, training, and personnel must be allocated for that effort. The law abiding border crossing public already waits in long lines for service. They will not tolerate the reassignment of existing resources from immigration service efforts to law enforcement efforts at the Ports of Entry. In fact, this government does not even consider Immigration Inspectors to be Law Enforcement Officers. Only the Border Patrol Agents that patrol between the Ports of Entry are considered Law Enforcement Officers. They too, have limited resources, therefore have no resources to reassign to Ports to enhance the enforcement efforts at Ports of Entry, on the Mexico-U.S. border.

Immigration Inspectors have limited law enforcement training and even now are being excluded from consideration in proposed law enforcement pay system. The facilities and policy at the Ports of Entry are not designed for law enforcement. As many as one fifth (25) of the Immigration Inspectors in San Ysidro have received no law enforcement training, and never will; these are the NTSS, mixed tour "temporary and part-time" Immigration Inspectors, like that Park Service employee who recently died here in the Capital, these Immigration Inspectors are neither temporary, nor part-time. They scheduled to work five to six days a week, fifty-two weeks a year. Regular Immigration Inspectors attend the Immigration Officers Basic Training Course, where the emphasis is on Spanish language, documents, and nationality law. If Immigration Inspectors are

expected to perform police duties they need to be treated like law enforcement officers, and receive the same type of training and compensation. At San Ysidro those suspected of being criminals are seated in an open waiting room arrangement, along with those law abiding people requesting some service from the Immigration Inspectors. Immigration Inspectors rotate back out to the primary traffic lanes every half hour. Therefore, investigations into suspicious legal applicants for entry are usually limited to much less than a half an hour. The computer systems used by Immigration Inspectors to detect criminals are not integrated and are time consuming. This greatly limits their use and effectiveness. This may account for the fact that only two or three people are apprehended a month from computer lookouts. Now, a vast majority of those people crossing the border are not wanted criminals, this is true of people stopped by local police for traffic infractions, too. But, I believe that out of a five million traffic stops, a local police officer, will apprehend more than two wanted criminals. 4,901,728 people crossed north through the San Diego county Ports last month, only two wanted criminals were apprehended by Immigration Inspectors. These comparisons may best show the problem. While a traffic police officer's primary duty is to ensure compliance with the vehicle code, they are trained, recognized, and compensated as police officers, they have police law enforcement computer facilities, police equipment and police back up. OPM and the Congress has repeatedly told Immigration Inspectors that their "primary" duty is to ensure compliance with the Immigration and Nationality Code. But, unlike

the traffic cop, they are not trained, recognized, or compensated as Federal Law Enforcement Officers. Therefore, all the associated support services provide by INS to it's Immigration Inspectors has been geared toward compliance with the Immigration and Nationality code, not criminal apprehension. To apprehend wanted criminals, both U.S. citizens and aliens, crossing the border, more officers must be hired and trained to perform that duty.

The Immigration Inspector will always have two very different roles:

1) To provide prompt courtesy service to citizens and their families, legal immigrants, legal visitors, and refugees.
2) To enforce the laws of the United States, arrest and prosecute violators; intercept smugglers, terrorist, and wanted criminals.

The Office of Personnel Management has decided that the later is not the job of the Immigration Inspector. No one else at the land border ports performs that role. Our dedicated Immigration Inspectors can perform that role with proper personnel, training, and facilities.

Any week of the year will yield examples to demonstrate the problems at the land border and our Immigration Inspectors individual frustration. Just the other day Steve Niles, an Immigration Inspector at San Ysidro, related this story to me: Last week, he intercepted a documented false claim to U.S. citizenship, false claim to U.S. citizenship is a felony. The individual presented a "delayed issue" birth certificate from New Jersey, which was issued last month. The only other identification

he had were several expired credit cards. The individual also had written instructions on how to present the documents and were to go in the United States. This person claimed to have been in Mexico vacationing for a few weeks, but could not remember his home address, but did recall that he lived in Silver Springs, Maryland. The Immigration Inspector called telephone information and obtained the telephone number of the person named on the birth certificate. When he telephoned the number and the person named on the birth certificate was in Silver Springs, even as the person claiming to be named on the birth certificate stood in San Ysidro. Neither person had an explanation, but Inspector Niles had to go spend his half hour on the primary inspection traffic lanes. He had this suspicious individual wait. But, when he returned, he found his suspect gone. The supervisor had told the individual that he could go back to Mexico and come back later, instead of waiting for Inspector Niles. The individual left and never returned, or at least wasn't caught returning through the Port of Entry. The next day a telephone call was transferred to Inspector Niles while he was on the primary inspection traffic lanes. A Washington, D.C. attorney wanted to know if the real person named on the birth certificate would be in any trouble if he "loaned" his birth certificate to someone. Inspector Niles didn't really have time for this attorney since all Inspectors are expected to pass 45 to 60 vehicles every half an hour while on the primary lanes and besides no one else seemed to care. I believe the person probably returned the next shift and was admitted by another Inspector, possibly a Customs Inspector. Customs Inspectors do not identify

malafide applicants for entry as readily as Immigration Inspectors. Last month 4000 malafide applicants for entry were intercepted at San Ysidro, 3300 by Immigration Inspectors, 700 by Customs Inspectors. Customs and Immigration have an equal number of inspectors on primary inspection. Therefore, it would appear, that if the distribution of which primary inspection line the malafide entries enter through is random, then Customs Inspectors should have about another 2,500 interceptions a month. We don't know who this individual was or where he came from. Was he a terrorist, a wanted criminal, an international drug kingpin? From his description, this person could have come from almost any continent in the world.

When I was an Immigration Inspector, I remember a guy who used to crash the pedestrian gate all the time. He was a legal resident, had a "green card" and lived in San Diego, but he went to Tijuana often. He was, and may still be a heroin addict, so he would always try to orally false claim to U.S. citizenship because he knew that he was excludable and deportable. If anyone became suspicious or stopped him he would run north or south and fight with you. If he ran back to Mexico he would just try again when a new Inspector was on the line. I must have chased this guy a dozen times myself, he would often shoot for a Customs line, but run when he saw someone else recognized him. Anyone who wants to entry this country as a false claim to U.S. citizenship can if, they are patient and persistent.

Most returning criminal aliens enter by false claim to U.S. citizenship. San Ysidro must have a high number of criminal aliens

crossing the border, for two reasons:

1) Both San Diego and Tijuana are large cities, each with a population greater than one million. With this size come the associated criminal problems of any large city. In this case though, unlike other major metropolitan areas, the criminals can pass back and forth from one side of this metropolitan area to the other, but the police can not.

2) California has more criminal aliens incarcerated than any other State. Most of these aliens are Mexican citizens, more than ninety percent. All of these Mexican citizens are returned to Mexico through the land border with California. INS deports about nine criminals a day, just from releases at the Donovan California State Correctional Facility. These do not include the criminal Mexican deportees from other State and Federal prisons, nor the many aliens released from county jails throughout California, whom are sent south through San Ysidro.

Because the apprehension of these types of aliens in not the primary job of Immigration Inspectors, nor any other federal employee, the numbers apprehended at the border are small. The Immigration Service does see these criminals again, the next time they are released from prison or jail. That is because these criminals do return to their homes in San Diego, Los Angeles, Orange County, and other parts of California. They do commit more crimes or violate their parole or probation. In doing so disrupt

or even destroy the lives of law abiding U.S. citizens and legal residents.

What can the government do to change this unacceptable situation? This is a broad and complex issue, I will not pretend to say that I have the answer. First, you, the American people must decide want it is you want. If you want Federal Law Enforcement Officers at the Ports of Entry, then put them there. Because they are not there now, because Inspectors are not treated as Law Enforcement Officers. The way we have controlled the border in the past clearly does not work anymore. But, we continue to devote resources to doing it the same old way. People cry for more personnel and money to expand a system that does not work now. We need to do a comprehensive study of what we are doing and what we want to do at our international borders. Federal employee Unions can help with that, because our people are there on the ground. The following Unions should work with Executive Branch, the Congress, and the public; the American Federation of Government Employees, National Immigration and Naturalization Service Council, Border Patrol Council, and the National Treasury Employees Union; in a comprehensive study of all border issues. Working together and with God's help I am certain that we can take back control of our borders, and control them in a humane manner. If we are not committed to change in the way we do this business, then we must accept that we have lost, and will not regain control of our international borders.

I would like to make one last comment concerning our lack of control of our borders. I came to Washington, D.C., for the first

time as a child many years ago. You didn't have all these big concrete "flower pots" all around the Capitol, the Congressional Buildings, the White House, and other government buildings. I understand that these are anti-terrorist flower pots. I am certain that the terrorist you are worried about are aliens, that will have to cross our borders to reach their targets here. These huge concrete flower pots are an admission by our government that we have lost control of our international borders. When ever you see those flower pots remember that they are there because we do not have the will to control our own borders.

This concludes my testimony. I will be happy to answer any questions the Subcommittee may have.

Mr. CONDIT. Thank you, Mr. Magee. You mentioned Steve. Do you know what kind of ID card was used?

Mr. MAGEE. The man presented a delayed issued birth certificate from the State of New Jersey. It was issued last month and two expired credit cards. He had no other identification.

Mr. CONDIT. Did he take the cards? Did he have the authority to take the IDs away, once he had turned him back?

Mr. MAGEE. No. He had not completed the investigation. His primary job is to inspect the cars coming down the line. So the suspect was allowed to return to Mexico.

Mr. CONDIT. With the cards?

Mr. MAGEE. Yes, with the documents.

Mr. CONDIT. With false documents.

Mr. MAGEE. They were valid documents. It was just a question as to whom they belonged: The man on the other end of the phone here in Silver Spring or the man who did not know where he lived in the United States, standing in San Ysidro.

Mr. CONDIT. They were documents, though, that apparently this person got from somewhere in this country?

Mr. MAGEE. Or from someone in this country. As a matter of fact, he had a note in his possession that told him exactly how to present the documents and a description of where to go, what bus to catch, what train to catch.

Mr. CONDIT. What would have had to have transpired for us to be able to hold the documents or him?

Mr. MAGEE. In my experience at ports of entry, if he had made an admission, if he admitted that they were not his documents and that he was making a false claim to U.S. citizenship. Absent an admission, it is too time consuming. The liability of detaining a person illegally is too great. The inspector was out on the primary inspection lines for a half hour. That is not a reasonable amount of time to detain a person for investigation.

Mr. CONDIT. We were down in Brownsville, and the Border Patrol person out there showed us booklets of IDs that they have collected. I guess they have collected those IDs because they made some arrests. Would that be valid?

Mr. MAGEE. Yes.

Mr. CONDIT. So you would have to make the arrest before you could apprehend the ID?

Mr. MAGEE. You have to make the arrest, or it would have to clearly be a false document.

Mr. CONDIT. It is not like someone with a false ID, someone who is not of age, where you could just confiscate the ID and send them on their way? You cannot do that?

Mr. MAGEE. If it were a false ID, you could. In this case, even though he was talking to a person who claimed to be named on the birth certificate in Silver Spring, the man in San Ysidro also claimed to be the person named on the birth certificate.

Mr. CONDIT. Let us get back to the cases we were talking about here today. Wanted fliers have been distributed in the cases our witness talked about today. The suggestion was made that the suspect might come back across the border, if they already had not done so. Listening to both your testimonies today, it seems to me that the probability of identifying and catching the suspect at the

border is virtually nonexistent. Is that an appropriate characterization of your testimony today?

Mr. BONNER. That is pretty accurate. It is like finding a needle in a haystack.

Mr. MAGEE. It would be random chance. Most of the criminals apprehended and returned at the border are literally tattooed. They have gang tattoos, up their neck and their face, which make them stand out. It is a vast number of people. You are talking about inspectors being required to pass 90 to 120 cars an hour. That is a car every 30 seconds.

Mr. CONDIT. How do the Border Patrol and inspectors learn about arrest warrants from State and local jurisdictions?

Mr. BONNER. Mostly in the old-fashioned way of the 1940's and 1950's: they get a flier in the mail, that could be weeks after the person has already fled to Mexico. At any given time, you will have a 3-inch stack of those, and no human being can be expected to remember all of those details.

Mr. CONDIT. In the rape case, a Federal warrant for unlawful flight to avoid prosecution had been issued. Does the issuance of a Federal warrant make it more likely you will know someone is wanted and be able to do something about it, or is it the same kind of deal?

Mr. BONNER. Not from the Border Patrol's perspective. We deal with large numbers of people, especially in the San Diego area. It is not uncommon for a single agent to be involved in either the apprehension or the processing of up to 100 people on one 8-hour shift. Obviously, given the time constraints, you do not have time to find out the true identity of these people.

If a person is a criminal, he is not going to give you his correct name. We have people that we have apprehended, and we can tell through fingerprints that they have given us 20 or 25 different names over the course of their history, just in dealing with the INS. We do not know how many other names they have given to other law enforcement jurisdictions.

Mr. CONDIT. Mr. Magee, do you have a standard for the length of time you are supposed to spend with people as they cross the border?

Mr. MAGEE. As I said, on the vehicle inspection lanes, inspectors are required to pass 90 to 120 cars an hour.

Mr. CONDIT. Required?

Mr. MAGEE. It is in their appraisal, 90 to 120 cars an hour. It is a car every 30 seconds.

The example I gave you with Inspector Niles, he was taking time away from his service duties, which are primary, to try to investigate this case.

Mr. CONDIT. So his rating would go down.

Mr. MAGEE. Yes, it would.

Mr. CONDIT. It has a pretty big impact, I guess, on your ability to have scrutiny.

Mr. MAGEE. Yes, it does. It is not their primary job to look for wanted criminals. It is their job to provide service. That is what the government has told them to do.

Mr. CONDIT. You have worked in a variety of positions with the INS. For the purpose of INS functions, can you tell us the significance of an arrest warrant?

Mr. MAGEE. A federally issued arrest warrant or an INS arrest warrant?

Mr. CONDIT. Federal, State, or local. It has no significance?

Mr. MAGEE. It is not the primary role of inspectors to enforce arrest warrants. If it is entered in NCIC, and you become suspicious, then you will arrest and detain the persons. If there is nothing to initiate that suspicion, in those 30 seconds you have to inspect them, then it has no significance.

Mr. CONDIT. Let me go to Mrs. Thurman, and I will come back to that.

Mrs. THURMAN. Mr. Magee, I have to tell you that in reading your testimony, I think I understand your problem now, in the way you explain to us just how many people are going across there.

Mr. MAGEE. It is a lot of people.

Mrs. THURMAN. Yes, it is a lot of people. What can we do? What do we do?

Mrs. THURMAN. That is a tough question. In my testimony, I said I do not know. I think we need to look at what we want to do. The problem with immigration is, I do not think we know what we want to do in the Service. I think that is the direction we have gotten from the government and the American people as a whole. We do not know what we want to do.

Mrs. THURMAN. You feel that you have been given mixed signals as well?

Mr. MAGEE. Certainly. The example I gave of that one inspector, you wanted to catch this guy that pretty much clearly is trying to enter the country as a false claim to U.S. citizenship, but you want him to push 120 cars an hour, too. You cannot do both.

Mrs. THURMAN. What is the liability that you mentioned, as far as detaining somebody?

Mr. MAGEE. For practical purposes, if you are going to detain somebody for an unreasonable amount of time, you are in violation of your work rules, and you are going to be reprimanded and you are going to be disciplined. And, of course, it is unconstitutional to detain people for an unreasonable amount of time, if you have not arrested them.

Mrs. THURMAN. Mr. Bonner, I was really interested in your card. Can you tell me a little more about that? You said the technology is there. Is it being used in any other area?

Mr. BONNER. The technology exists, and they use it in the existing immigration documents. For all the talk of the counterfeit-proof cards, it is in that magnetic encoding. That part cannot be counterfeited. The day before they issued the physical cards, they already found the first counterfeit cards that would pass visual inspection.

Without a reader for this card, however, all of that technology is worthless. That reader does not exist where it is needed, at the primary inspection booths, at the ports of entry, and at the Border Patrol stations, or in Border Patrol vehicles. It is just not available.

Mrs. THURMAN. Where does it exist?

Mr. BONNER. They probably have a few working models here in Washington and at some of their regional offices. It is not out there

in the field. I do not know if it is a cost issue or a priority issue with the Immigration Service. For whatever reason, the technology is not being utilized. We have to rely on the old-fashioned method of using a keen eye to spot a counterfeit card.

Mrs. THURMAN. Do you know whether or not any of the departments or agencies have come to Congress and asked for this equipment for you? I do not know. I have only been here about 10 months, and I have not heard.

Mr. BONNER. I have never heard the Department of Justice or INS specifically ask for that. That does not mean they have not done so. I do not have time to stand over them 24 hours a day.

Mrs. THURMAN. No, I guess not. Mr. Magee, do you see that helping us, if we had some of that equipment?

Mr. MAGEE. If we had the card readers at the ports of entry? It would be extremely helpful, because you could check the document right away.

The other problem is, if you are a U.S. citizen, you are not inspected. This means, all you have to do is say, "I am a U.S. citizen," or, as some people do, "U.S. Citi." If you persist with that as your only statement, then you must be admitted to this country, unless the officer can show that you are guilty of a crime of a false claim to U.S. citizenship. That is pretty hard to prove.

Mrs. THURMAN. So they do not have to have any documentation?

Mr. MAGEE. No, a U.S. citizen does not have to have any documentation.

Mrs. THURMAN. If you say that I am not, and I tell you that I am, that does not matter? Can you ask, at that point, for something?

Mr. MAGEE. I can ask for anything, but you are not required to give it to me. I can arrest you if I believe that you are making a false claim to U.S. citizenship, but I had better have probable cause. The fact that you do not speak English is not probable cause.

Mr. BONNER. Under current law, U.S. citizens do not need any form of identification to come back into the United States from a contiguous country. In fact, I do not think it is necessary for U.S. citizens to present identification to come back from any country. Your passport is designed to get you over to the other countries and prove your citizenship over there. Coming back into the United States, a U.S. citizen does not need any form of identification.

That was the other part of what I had suggested. People who leave the United States should be required to have a counterfeit-proof magnetic encoded passport to prove that they are who they claim to be. Linking that with a crime data base would greatly assist all law enforcement agencies in apprehending criminals who are just passing freely across our borders as it stands now.

Mrs. THURMAN. I have to stop and think. I have been over the Mexican line. I am trying to remember; it may have been awhile now. Or when I have gone into Canada.

Mr. MAGEE. They said, "What is your citizenship?" You said, "U.S. citizen." That was it.

Mrs. THURMAN. They did not question me during the election about that either. You say we cannot do anything about that because of the Constitution?

Mr. MAGEE. That is our policy, and that is the law. I am not sure if the Constitution comes into play there. We cannot detain people for an unreasonable amount of time because of the Constitution.

Mrs. THURMAN. But we could ask for some identification.

Mr. MAGEE. Right, but as long as they are persistent in claiming U.S. citizenship, they do not have to produce anything. That is why I used the example of the man I used to chase quite often. He would always orally false claim U.S. citizenship. He spoke English because he lived up here; he was a resident alien. He knew that if he showed his green card, we would have his true name. If we decided to run it, he was a heroin addict, and he had other warrants. If he claimed U.S. citizenship, he could pass north. His only downfall was, he got a little nervous and ran once in awhile, and we became suspicious of him the next time. That is probably probable cause to arrest him then.

Mrs. THURMAN. It also shows that we could be catching some of those criminals that are coming across in some of these other situations?

Mr. MAGEE. There are many criminals. There are many criminals in State prison, Federal prison, and county jails in California, and they all go south to San Ysidro. They have all been taught English well by the State Department of Corrections, and they all come back the same day and false claim U.S. citizenship, or most of them. That is my opinion.

Mrs. THURMAN. Thank you, Mr. Chairman.

Mr. CONDIT. Thank you, Mrs. Thurman. So a runner is justification for arrest. What do you do when someone runs, like the guy who crashes the gate? Do you actually chase him?

Mr. MAGEE. We chase him.

Mr. CONDIT. In a car, you just take off?

Mr. MAGEE. No. Immigration inspectors do not have cars. We chase him on foot. If he comes through in a car, then we call our brothers in the Border Patrol.

Mr. CONDIT. Do you guys do any pursuits?

Mr. BONNER. As you recall from our hearings last year, the Border Patrol no longer pursues fleeing vehicles. If vehicles fail to yield, the Border Patrol shuts down everything, and there is no pursuit. They get away.

Mr. CONDIT. There is a great debate raging on in California about immigration policies, as both of you know. We have done six or seven hearings now on immigration in general. There has been some discussion about a lack of personnel. Would you both concur that there is a lack of personnel and more inspectors are needed? Would it make a difference? Given what you have told us your mission is today, would it make a difference in the kind of thing that we are looking for?

Mr. MAGEE. If you want to expand the mission, inspectors are worked to a limit now performing their service role. If you want to increase that to an enforcement role, naturally, you would need more people and more training. You would be expanding the mission. You would be expecting them to perform other duties that they only perform if they choose to now on their own.

Mr. CONDIT. Do you have any comments to that, Mr. Bonner?

Mr. BONNER. From a Border Patrol perspective, clearly when we have one agent who single-handedly faces a group of 100 aliens, I think we are greatly outnumbered and need reinforcements badly.

Mr. CONDIT. You testified, Mr. Bonner, that the Federal law enforcement agencies often engage in senseless jurisdictional battles among themselves.

Mr. BONNER. Yes.

Mr. CONDIT. The National Performance Review raises that concern as well. How can these jurisdictional battles be eliminated?

Mr. BONNER. I think it is going to take direction from the people at the very top of government telling the heads of those agencies that the squabbles must cease; and if they still do not cease, then taking action to punish those responsible for engaging in that type of petty behavior. It is not as though there is not enough crime to go around for all of these law enforcement agencies. There is more than enough crime out there. If everybody was concentrating on something different, we still would not be able to handle the problem.

Mr. CONDIT. You are referring to the Federal agencies, in terms of the jurisdictional concerns. How do we improve cooperation among States and local and in the Federal jurisdiction? For example, you were talking about a pursuit policy. Do we contact the local guys that they are coming through?

Mr. BONNER. Generally, we try and give them notice that something is headed up the road. That may or may not prove helpful to them.

Mr. CONDIT. As a general way, do you have any ideas how we improve cooperation among State and local?

Mr. BONNER. I think one way is by utilizing discretion in the control of the purse strings, of Federal moneys that go to those agencies. If they refuse to cooperate, then refuse to give them the Federal money.

Mr. CONDIT. I understand that a form, I think it is I–213, is completed for everyone who is apprehended for seeking to enter the country illegally and who has returned voluntarily. Cross-checking information regarding these individuals might be helpful for law enforcement. How usable is this information? Are your data bases up to date with the forms?

Mr. BONNER. The last I understood, they were 7 years behind in entering that data. That is further complicated by the fact that, as I stated earlier, a lot of people—I would say the majority of people that we apprehend—do not give us their correct name. I think that data is largely useless unless it is combined with other modern technologies, such as fingerprint scanning.

There are machines available now that scan and read fingerprints directly from a person's hand, and within seconds can find a match and tell you exactly who that person is or at least the names they used each time they were apprehended in the past.

Mr. CONDIT. Do we have any of that equipment?

Mr. BONNER. The INS has experimented with that equipment, and they do have it operational in some ports of entry, I understand. However, although the Border Patrol has done a little experimentation, they currently, to my knowledge, do not have any working models in any of their offices.

Mr. CONDIT. Mr. Magee, can you respond to that?

Mr. MAGEE. We do have that at the San Ysidro port of entry. It is the automated fingerprint identification system, but its use is limited. The entries in the system are only those entries put in there by the California Department of Justice. They are not generalized to all criminals. Again, they only get to the prosecution officers who utilize that after several inspectors have found them to be suspicious in that 30-second inspection. That is available, but it is very limited because the information in the system thus far is limited.

Mr. CONDIT. Is there any additional information that either of you cares to give the committee today? Any closing statements?

Mr. BONNER. I cannot think of any.

Mr. CONDIT. Mr. Magee.

Mr. MAGEE. I think I have covered everything.

Mr. CONDIT. We appreciate both of you being here. We may have some additional questions for you that we may ask you to respond to. We appreciate your patience. We know you waited a long time to testify, and we appreciate it very much. You have been very helpful, and we thank you.

That concludes the hearing. We do apologize for the difficulties we had in the linkup with Riverside County. It will not discourage us; we will try it again at some other time. This meeting is adjourned.

[Whereupon, at 3:45 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

# APPENDIXES

## APPENDIX 1.—LETTER FROM SHEILA F. ANTHONY, ASSISTANT ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE TO THE SUBCOMMITTEE DATED MAY 3, 1994

**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General — *Washington, D.C. 20530*

The Honorable Gary A. Condit
Chairman, Subcommittee on Information, Justice, Transportation and Agriculture
Committee on Government Operations
U.S. House of Representatives
Washington, D.C. 20515

MAY 3 1994

Dear Mr. Chairman:

This is in response to your letter regarding the deportation of criminal aliens, in which you express your deep concern over the current policy of the Immigration and Naturalization Service (INS) of deporting Mexican criminal aliens at our Nation's borders.

I very much appreciate your support of our efforts to deter illegal entry at the border by increasing resources at and between Ports-of-Entry. I agree that we must closely examine every reasonable strategy to prevent illegal entry of aliens into our country, and particularly to prevent the reentry of recently deported criminals.

On February 18, a member of your staff met with INS officials to discuss immigration issues, with special emphasis on the problem of the reentry of deported criminals. As you note, in 1992-1993 INS conducted a Pilot Program of Interior Repatriation of Mexican criminals. The results of the Pilot Project are still being analyzed. However, preliminary indications are that this strategy is marginally successful in deterring reentry of deported criminals, and is not cost effective.

As for the current project, of the 300 persons deported in the Pilot Project, 52 were either re-arrested by INS or encountered by state or local police within a year of removal. While INS identified the reentry of 52 of the 300 persons deported, it is obvious that, for each person identified, several persons may have returned undetected.

The INS would be glad to meet with you or members of your staff to discuss this project and related issues in greater detail, if you feel that would be helpful. I have included the final project description as approved by Former Commissioner Gene McNary. When the final project evaluation is completed, the INS will share that with you. There is no written record of the pre-project meetings held between INS and Mexican officials. These meetings were face-to-face. However, INS would be happy to acquaint you or your staff with the most detailed recollections of the meetings available.

Historically, interior repatriation has not proven to be a successful strategy to prevent reentry. Under the recent Pilot Project, the cost per person removed was $459. This appears to be merely an expensive inconvenience for the aliens involved. The INS has not made a final recommendation on the Interior Repatriation Project, and it will continue to explore every avenue to reduce illegal reentry of criminals.

The INS is willing to revisit this issue with the Government of Mexico. It is possible that some viable and cost-effective form of interior repatriation can be developed. Clearly, any workable program will require major cooperation and resource commitment from the Government of Mexico.

I share your concerns with regard to the immigration challenges facing our country. Please be assured that this Administration and the INS will continue to explore all reasonable strategies to resolve these important issues.

If you have questions regarding this or any other matter, please do not hesitate to contact this office.

Sincerely,

Sheila F. Anthony
Assistant Attorney General

Enclosure

# Memorandum

CO 732-C

| Subject | Date |
|---|---|
| Mexican Interior Repatriation Pilot Project | 10 JUN 1992 |

To Gene McNary
Commissioner

From Office of Enforcement
(HQENF)

Thru: James J. Hogan
Executive Associate Commissioner
for Operations

**INTRODUCTION**

On April 8 the Department approved a Mexican Interior Repatriation Pilot Project (Project). The Project has been refined and is ready for implementation, pending only a pre-project technical meeting of all interested parties to finalize operational details.

The Project, as structured, will provide the greatest possible chance to assess accurately the efficacy of Mexican interior repatriation, by providing the maximum opportunity to identify recidivists.

Since Departmental approval, the following events and clarifications have occurred.

1. Commissioner McNary met with Mexican Under Secretary of Government, Miguel Limon-Rojas on April 30. The Government of Mexico (GOM) expressed its continued approval of the Project. Luis Garcia, District Director, Mexico City, met with Edmundo Salas, the Deputy Commissioner of Mexican Immigration (SerMig) to discuss the Project.

2. Mexico feels it must withdraw from the discussions about busing repatriated Mexican criminals from the border to Mexico City.

3. The U.S. Embassy in Mexico City has been briefed.

4. Headquarters International Affairs and Outreach division (HQIAO) has notified the Department of State of our intention to begin the Project.

5. Detention and Deportation, Border Patrol, and International Affairs and Outreach have held extensive meetings at the Headquarters level and are in agreement on the Project.

6. The Immigration and Naturalization Service (INS) components are ready. A meeting will be held in San Diego this month to finalize the technical details of the Project. The meeting will be comprised of representatives from involved INS local and Headquarters programs, the GOM, and the Office of the INS District Director, Mexico City.

7. The Project is scheduled to begin on July 1.

BACKGROUND AND JUSTIFICATION

It seems a reasonable conclusion that a deportable Mexican who is from the interior of Mexico, but who is merely placed across the border when deported, will attempt re-entry into the United States rather than return to his home in the interior. For aliens repatriated into the interior, the cost of returning to the United States -- in terms of both money and time -- serves as a deterrent to those who might wish to attempt re-entry.

The INS has operated several full scale programs in the past under which Mexican nationals have been repatriated into the interior of their homeland:

1. From September 1954 to August 1956, almost 50,000 adult Mexican males were returned by boat from Port Isabel, Texas, to Vera Cruz, Mexico.

2. In 1956, regular trainlifts were begun from Presidio, Texas, to Chihuahua City. Airlifts operated by Mexican companies from locations in Mexico near the border to the interior of Mexico were used in 1957.

3. From 1957 to 1970, regular flights were operated to Leon, Guanajuato.

4. From July to December 1976, nearly 22,000 Mexicans were airlifted to the interior of Mexico by commercial flights under an experimental program.

During the Bi-National Commission meeting on September 9, 1991, and at the Border Safety Working Group on October 25, 1991, a concern was raised by both the United States and Mexico about the need to decrease the level of violence occurring at the border, including reducing the number of criminals preying upon innocent people in the border vicinity of both countries. A possible special interior repatriation project to address and help to reduce this problem was discussed by representatives of the two countries. It was informally agreed that such an approach was worthy of further exploration in the near future.

This plan proposes that a short-term pilot interior repatriation project be conducted to handle a small number of people whom both the GOM and the U.S. Government wish to keep away from the border area -- those with a criminal history. The Project will also have a component designed to assess the rate of return to the United States of persons in this group who have been repatriated (see PROGRAM MEASUREMENTS below). The interior repatriation of such persons directly to Mexico City would not only ensure that they are removed from the high crime environment, which already exists in the immediate international border area, but would also provide an opportunity for the Federal Judicial Police of Mexico to identify these persons (who might also be wanted for crimes in Mexico) and to track more closely their activities in Mexico.

The elements of this proposed Project are described below.

LOCATION

The Mexican Interior Repatriation Pilot Project will be conducted in the San Diego District/Sector. This is the most suitable site for several reasons, i.e., the number of target group members, the availability of direct commercial air, or U.S. Marshals Service air transportation to Mexico City, and the existence of tracking systems necessary to identify pre-deportation and post-deportation repatriation cases.

CHARACTERISTICS OF THE PILOT PROJECT GROUP

Based on recent discussions with officials of the GOM, it appears that Mexico is willing to support the interior repatriation of Mexican nationals who have criminal records. The initial Project group of 300 will be drawn from Mexican criminal aliens who are being released from State of California prisons in the San Diego area. The test group will be the first 300 Mexicans released to INS who have convictions for crimes against persons and/or violations of narcotics laws. The Project will not include those persons who are legitimate residents of the Mexican border states. Based on informal conversations with Mexican officials, smugglers will not be included in the Project, due to political considerations.

SCOPE OF PROJECT

To deport 300 Mexican criminal aliens during the pilot period at a rate of not less than 100 per month. All repatriated Mexicans will be flown directly to Mexico City. When a Mexican national is identified for the Project, the GOM will be notified immediately. When the person arrives in Mexico City, he or she will be interviewed by Mexican Judicial Police and, if any warrants are outstanding, appropriate action will be taken at that time. Otherwise, the Mexican nationals deported will be released from Mexican custody in Mexico City.

IDENTIFICATION AND TRACKING

The success of past interior repatriation projects has been difficult to assess. The identification of a re-apprehended alien depended in large degree on the honesty of the alien and his admission of prior repatriation. This was an unreliable method, and repatriation programs eventually floundered on the inability accurately to identify recidivists and thereby gauge the success of the program.

Central to the success of the Project is the tracking of the Project population to determine whether or not they return to the United States after their repatriation to Mexico City. The Border Patrol will have a system in place which will be a key component of the case identification and tracking system. Once that system is fully operational, on July 1, the Project may begin. The tracking system, under Border Patrol auspices, will utilize the Automated

Fingerprint Identification System (AFIS). The INS is tied, through AFIS, to the Western Identification Network (WIN). The WIN is presently used by law enforcement agencies, in California, Oregon, Washington, Alaska, and Nevada. Texas, New Mexico and several other states will likely join soon.

An INS program is underway in San Diego to fingerprint all criminal deportees (and selected non-criminals). Aliens who return to the San Diego Sector are, if they are suspected of being previous criminal deports, checked against the WIN data base. The weakness of the system is that the returning alien must be suspected, since it is not possible to check all 500,000 aliens apprehended in the Sector. It is planned however, to integrate a "low tech" photo lookout system to alert agents for possible returnees into this Project.

In addition, one refinement of AFIS will be implemented, and will have great utility in the Project. The refinement is a plan to take one fingerprint of each person apprehended in the Chula Vista office and run these fingerprints against a "Bad Boy File," a limited data base identifying 3,000 (eventually 10,000) of the worst offenders who have been deported. Aliens deported under the Project will be added to the "Bad Boy File" data base.

Other tracking systems will be used as well. The names of the 300 will be put into the Interagency Border Information System (IBIS), the National Automated Immigration Lookout System (NAILS), Treasury Enforcement Communications System (TECS), The Department of State lookout system, National Crime Information Center (NCIC) and other systems. Additionally the National Law Enforcement Telecommunications System (NLETS) will be used to identify Project recidivists.

**PROGRAM MEASUREMENTS**

Tying the Interior Repatriation Pilot Project into the WIN and "Bad Boy File" and the other systems noted above will maximize chances for the Project to have clear results. The Project will have independent objective evidence by which to measure success. Given nationwide police statistics which show a high percentage of criminals continue their criminal activities after release from prison, it may be expected that most members of the repatriated sample will also continue a life of crime.

The following scale, based on the test sample of 300 Mexican criminal aliens, will be used to make a conclusive determination of the success or failure of the Project.

Scale of Success

| Percentage of Sample Group Returning to the U.S. and Identified in Indices Within One Year of Removal | |
|---|---|
| 20+ % | Failure |
| 8 -19 % | Marginal Success |
| 4 - 7 % | Fully Successful |
| 0 - 3 % | Very Successful |

**TIME FRAME/DURATION**

The Project will begin on July 1 and will have an active removal phase of three (3) months, with a minimum of 100 aliens being removed each month. The post removal phase will last for one year beginning on the date on which the last alien is repatriated.

Analysis of the Project will be in two phases. The initial analysis, to be conducted by Headquarters Detention and Deportation division, will take place six months after the last alien is repatriated. The final analysis and evaluation will be completed 12 months after the last alien is repatriated.

To ensure valid conclusions it is necessary to wait one full year after removal before determining that an alien has not returned to the U.S. It is reasonable to hypothesize that most persons who have recently been released from long confinement in a foreign country, finding themselves in their home country, will avail themselves of the opportunity to visit with family and friends, for a few weeks or months, before departing from home and resuming their criminal activity abroad. One of the best indicators of which aliens have returned to the U.S. will be an report showing whether or not NCIC was queried by any law enforcement agency in the nation, with regard to any of the aliens in the Project sample, in the year following the Project.

**MONETARY COSTS**

Expenses generated by the Project, such as overtime, vehicles, and detention space will come from existing resources, since the aliens will be within our normal custody and detention processing procedures. Additional funds will be needed for:

1. Airplane Tickets. The single ticket cost of a Government fare from San Diego to Mexico City is $270. For 300 tickets the cost is $81,000.

   Round trip tickets for INS escorting officers are $540. It is not possible to pre-determine the overall cost of this component. A good estimate should be possible once the technical meeting of Project personnel, mentioned above, is held.

2. Overtime. Officer overtime will be necessary. The total should not exceed $10,000 for the life of the Pilot Project.

3. U.S. Marshals Service. Discussions are underway to determine the availability and costs for using the Marshals Service Airplane to transport the repatriated aliens to Mexico City.

**PERSONNEL AND EQUIPMENT**

At the field level, the Project will be a joint effort between Detention and Deportation and the Border Patrol. Existing on-site equipment and personnel assets are sufficient to support the Project.

If the Project is eventually expanded into an ongoing broad-based program, increased personnel resources, additional funding, and additional equipment (i.e., radios, cellular phones, vehicles, computers etc.) will need to be addressed.

G. H. Kleinknecht
Associate Commissioner
Enforcement

Approval _____ Disapproval _____ Date 6-17-92

## APPENDIX 2.—LETTERS OF CORRESPONDENCE SIGNED BY U.S. MEMBERS OF CONGRESS

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 17, 1994

The Honorable Carlos Salinas de Gortari
President
Republic of the United Mexican States
Mexico City, Mexico

Dear President Salinas:

We are writing to commend the Government of the Republic of the United Mexican States on the arrest of Serapio Zuniga Rios on December 15, 1993, for heinous crimes he has been officially charged with committing in the United States on September 14, 1992. We understand that he is currently being held in a maximum security prison in Mexico City awaiting the outcome of deliberations in the federal court in Mexico who will determine whether Zuniga Rios is extraditable to the U.S.

Now that the North American Free Trade Agreement (NAFTA) has become law the undersigned members of the U.S. Congress are awaiting the extradition of Zuniga Rios to the United States to stand trial in Riverside, California, for the crimes he allegedly committed there. The existence of NAFTA and an extradition treaty between our two countries provides us with an opportunity to work together closely and send out a clear message to would-be criminals that our governments are working together to fight crime and respect the laws of both countries.

We understand that Mexican law permits the extradition of its citizens to the United States in "exceptional cases." Clearly, Mr. President, we all agree that the facts of this case make it exceptional. Furthermore, in this case the defendant would not be subject to capital punishment in the U.S.

Mr. President, we realize that this is a difficult situation for your government, but the young, innocent child who suffered so greatly deserves to have Zuniga Rios extradited to the United States to stand trial in the county and in the country where he allegedly chose to commit the crime against her.

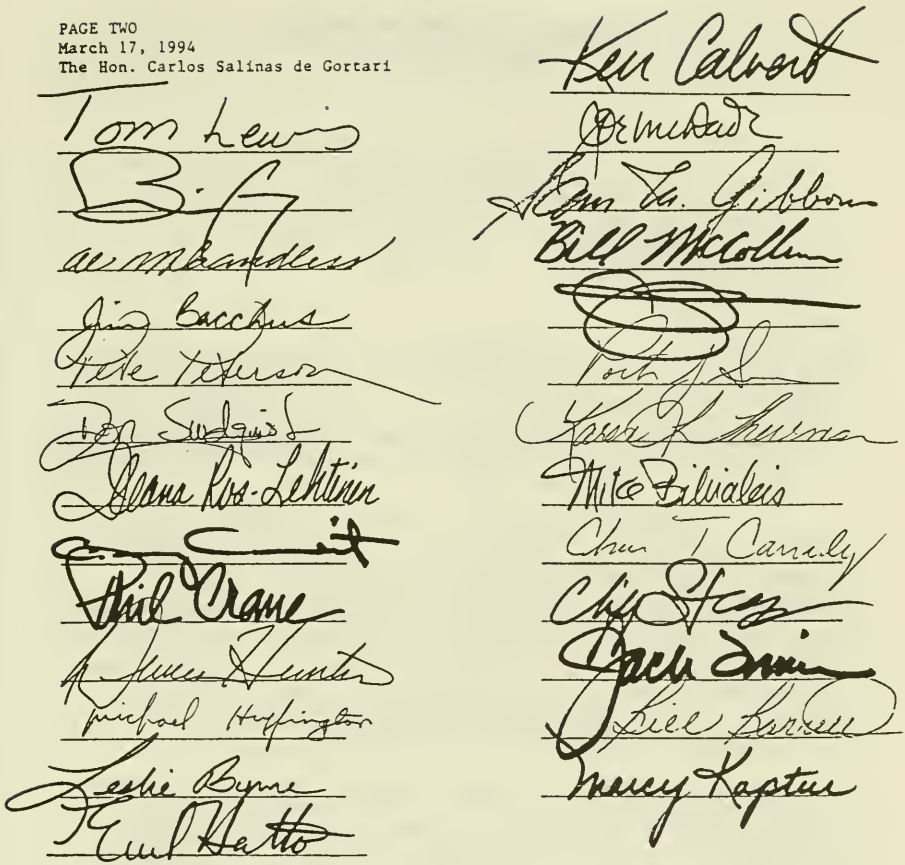
Mr. President, your help in this matter has been greatly appreciated by the family concerned, by Members of Congress, and by United States citizens across our country.

Sincerely,

E. Clay Shaw, Jr.

George E. Brown, Jr.

PAGE TWO
March 17, 1994
The Hon. Carlos Salinas de Gortari



Congress of the United States
Washington, DC 20515

November 18, 1993

Dennis Kottmeier, Esq.
District Attorney
316 North Mountainview
San Bernardino, CA 92415

Dear Mr. Kottmeier:

We are writing to you with respect to a tragic criminal case arising out of San Bernardino County, California. On February 14, 1993 Ignacia Manriquez was murdered in the parking lot of the Loma Linda University Medical Center. The suspect in this crime is Juan Manuel Navarro, Ignacia Manriquez's boyfriend. Although you have the file on this case, we want to relate in the briefest fashion the facts as we understand them.

Over the weekend of the 13th and 14th of February, 1993 Ignacia Manriquez was visiting friends in the San Bernardino area. While visiting, her 4-year-old son needed attention for an earache. They went to the Loma Linda University Medical Center for treatment and when leaving the building Ignacia was shot in the head, chest and abdomen. The shooting was witnessed by a staff member of the hospital and Manriquez's son. They both report Juan Navarro as the individual that murdered Manriquez. Navarro, after the murder, allegedly kidnapped the 4-year-old boy who returned a month later to the Manriquez family house in Coachella. Navarro reportedly fled to Mexico soon after this crime to avoid possible arrest and prosecution in California. His whereabouts have been traced to Mexicali, Mexico.

Ignacia's father, Mr. Antonio Manriquez, has personally gone to extraordinary lengths and great personal expense in his efforts to find Mr. Navarro and to see him stand trial. Even though there is an outstanding arrest warrant for this suspect in San Bernardino County and his whereabouts have been traced to Mexicali, Mexico, the Mexicali Police Department has declined to arrest him forthwith.

An important congressional hearing recently was held concerning local law enforcement problems arising from non-compliance with the 1978 U.S.-Mexico Extradition Treaty. Ignacia Manriquez's case was reviewed in this hearing and exemplifies serious problems in need of immediate attention. We are hopeful that the testimony about this case will induce the Mexican Government to immediately apprehend the suspect and cooperate in his prosecution.

Before we can contact the Mexican Government officially on this case, we must get your office to prepare the requisite extradition papers. This is a critical step that must be accomplished before we can contact the Mexicans about effecting the extradition.

Please help us by directing your staff to complete the steps that must be done at the county level as soon as possible. This is an urgent matter. Again, we see this as an opportunity to set a favorable precedent with the Mexican government, particularly in light of the growing ties between our two countries. Thank you for your time and assistance in this important case.

Sincerely,

Alfred A. McCandless

George E. Brown, Jr.

Ken Calvert

E. Clay Shaw, Jr.

Jerry Lewis

Bart Stupak

Gary A. Condit

Karen L. Thurman

## APPENDIX 3.—MATERIAL SUBMITTED FOR THE RECORD

MEXICO
NEWSLETTER

Num. 39

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Embassy of Mexico
Mexican Attorney General Attaché's Office
1911 Pennsylvania Ave., N.W., Washington, D.C. 20006
December 17, 1993

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THE RAPIST OF A FOUR YEAR OLD GIRL, ARRESTED

The Mexican Office of the Attorney General announces that Serapio Zúñiga Ríos was arrested by agents of the Federal Judicial Police on December 15, in compliance with the warrant of arrest issued against him by the 7th Judge for criminal matters of the Federal District.

Zúñiga Ríos was detained in the Mexican State of Querétaro for allegedly perpetrating of the crimes of rape, sexual abuse, illegal deprivation of freedom and bodily injury against a four year old girl, in the State of California, United States of America.

The warrant for Zúñiga's arrest was requested on the basis of Article 4, of the Penal Code for the Federal District, which requires that crimes perpetrated by a Mexican citizen abroad be penalized.

Upon request from the U.S. Government, the Office of the Attorney General of Mexico has been studying the Zúñiga case and will take whatever steps are necessary to comply with the Mexican Judiciary's decision in this regard.

It should be indicated that Article 8 of the Extradition Treaty between the United States and Mexico states that the extradition will not take place if the death penalty is likely to be imposed on the offender.

The Mexican Office of the Attorney General wishes to restate that, in this case and all others, it will strictly adhere to the terms of the Extradition Treaty signed with the U.S. Government.

The crimes took place in September 1992. After sexually abusing the girl, and thinking she was death, Serapio Zúñiga wrapped her in a blanket, which he hung from a tree.

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For more information, please contact: Gustavo González Báez, José Luis Cervantes or Miguel Angel Méndez at (202) 728-1730 & (202) 728-1732

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MEXICO
NEWSLETTER

Num. 40

Embassy of Mexico
Mexican Attorney General Attaché's Office
1911 Pennsylvania Ave., N.W., Washington, D.C. 20006
December 17, 1993

## GETTING TOUGHT ON COPYRIGHTS AND REGISTERED MARKS CRIMES

The office of the Attorney General of Mexico continues combatting the commercialization of products that violate copyrights and registered marks. This is being done by confiscating such products which are being sold illegally.

As a result, during the months of October, November and December 1993, the Mexican Office of the Attorney General has been conducting seizures, particularly in Mexico City, the State of Jalisco and the city of Acapulco, in the State of Guerrero.

In the early part of December, 1993, the Office of the Attorney General seized 20,300 videocassettes and 55,400 records in Mexico City.

On November 3, an important step was taken by confiscating in Guadalajara, Jalisco, a large amount of illegally reproduced records -- 574,920. Additional seizures took place in Acapulco, and in Mexico City, which removed from the market 13,980 records, and 996 videogames. in a first operation, and 48,000 records and 58,000 garments, in a second raid.

The Government of Mexico is aware of the importance of protecting copyrights, since legal trade provides opportunities for competion and technological improvements. Hence, the Mexican Office of the Attorney General will continue enforcing the law, so as to file criminal charges against the persons found responsible for violating copyrights and registered marks.

For more information, please contact: Gustavo González Báez, José Luis Cervantes or Miguel Angel Méndez at (202) 728-1730 & (202) 728-1732

AN TONIO MAN RIQUEZ MAN RIQUEZ

[redacted]

A 12 de Julio de 1993

C/ ALB A CELIN A SOTO SOTO
Jefa de la U nidad de Documentación
Secretaría Particular de la Presidencia de la República
Palación N acional
México D. F.

En relación a su escrito de fecha 29 de Abril del añoen curso, Oficio No. 101.2/3, Expediente R.E. 17770 me permito hacerle saber que el C. JUAN N AVARRO LERMA, se encuentra radica en ocaci ones en el domicilio ubicado en la Avenida Pastor Ramos # 1600, de la Colonia Nueva de la Ciudad de Mexicali Capital del Estado de Baja California, deja una familia que tiene en ese domicilio, Sabados y Domingos se l a lleva en el Poblado Rumorosa B .C. endonde tiene su papá y los Lunes se lleva para un Ejido el cual no se cual es, las Autoridade s del Estado de Baja California, no me han dado alguna ayuda, dado a que necesitan la firmeconsulado mexicano más cercano a mi domicilio

Lo que pido es la a prension de dicha persona y sea castigado y entregado de acuerdo a nuestras Leyes a las Autoridades correspondientes y se le siga proceso penal por H omicidio ysea transladado dodeecometió el crimen que fué en Loma Linda California U .S.A. el 14 de Febrero d e 1993

Espero su contestación a nombre y domicilio arriba notado para conocer su resolución al respecto ya que el Gobierno del Esta do de Baja California, no me ha proporcionado ayuda alguna y puedo ver que no pueden o no quieren ayudarme. Le adjunto copia fotostática del oficio por usted a mi enviado.

Respetuosamente

---

ANTON IO MANR IQUEZ MAN RIQUEZ

Por lo anterior, se agradecerá entrar en contacto con el Sr. Antonio Manriquez (Tel 619/ 398-2117) y con el investigador Acevedo, con el fin de prestarles la asistencia que considere conveniente, de acuerdo a lo que le han solicitado las autoridades mexicanas dado que es posible que el responsable se encuentre en Territorio Nacional.

A T E N T A M E N T E
SUFRAGIO EFECTIVO. NO REELECCION

LIC. ENRIQUE M. LOAEZA TOVAR
CONSUL GENERAL DE MEXICO

CCP. LIC. JUAN CARLOS CUE VEGA. DIRECTOR DE PROTECCION. DIRECCION GENERAL DE ASUNTOS CONSULARES. SECRETARIA DE RELACIONES EXTERIORES. Para su conocimiento.

CCP. SR. ANTONIO MANRIQUEZ. 85690 Cay Limon. Cochela, Ca. 92236. Para su conocimiento.

JEEM/smvo...

PRESIDENCIA DE LA REPUBLICA
SECRETARIA PARTICULAR

63255

101.2/3
R.E. 17770
Palacio Nacional, 29 de abril de 1993.

C. ANTONIO MANRIQUEZ MANRIQUEZ
[redacted]

Estas líneas tienen por objeto acusar recibo del escrito de fecha 2 del mes en curso, que dirigió al C. Presidente de la República, en el cual solicita se localice el paradero del señor Juan Navarro Lerma.

Al respecto, me permito comunicarle que el asunto que plantea es de competencia de las autoridades de los Estados Unidos de América. Sin embargo, si tiene conocimiento de que la persona que menciona se encuentra en territorio mexicano, le agradeceré nos proporcione datos suficientes que puedan llevar a su localización.

Sin otro particular, expreso a usted las seguridades de mi atenta y distinguida consideración.

SUFRAGIO EFECTIVO. NO REELECCION.
LA JEFA DE LA UNIDAD DE DOCUMENTACION

Alba Celina Soto S.
ALBA CELINA SOTO SOTO

JRP/spp*

PR 15 - SP

Antonio Manriquez Manriquez
[redacted]

Abril 2, 1993

C. Gobernador Constitucional del Estado de Michoacan
Palacio de Gobierno del Estado
Avenida Madero Poniente No. 63
Morelia, Michoacan, Mexico

ASUNTO: Se solicita localizacion y aprehension de persona

Adjunto a la presente foto del senor Juan Navarro Lerma tambien conocido por el nombre de Juan Manuel Maciel Lerma Navarro, le adjunto a la presente copia fotostatica del acta de defuncion de mi hija Ignacia Manriquez Moreno , a la cual dicha persona asesino el dia 14 de Febrero de 1993 a las 3:00 P.M. con un tiro en la cabeza y uno en el estomago en la ciudad de Loma Linda, California, E.U.A. Se llevo al nino mas pequeno que procreo con mi hija, el cual ya fue entregado a mi sin ningun dano fisico pero el nino se encuentra traumado, pues este individuo asesino a su madre en la presencia del nino. Despues de darle muerte huyo, las autoridades de los Estados Unidos no lo han podido localizar, en caso de que lo detengan pido y solicito a usted su extradicion para que sea castigado por el crimen que cometio.

En caso de que no se encuentre en la ciudad de Chavinda, sea buscado por todo el Estado, tiene tatuajes en varias partes del cuerpo los mas notables es una arana en el brazo derecho y el nombre de Anabel en el antebrazo, para su mas pronta identificacion. Pero procurenlo en la Ciudad de Chavinda, ya que en dicha poblacion tiene toda su familia.

Espero su contestacion a nombre y domicilio arriba anotado, para conocer los procesos de su localizacion y sea aprendido y remitido a la Ciudad de San Bernardino, California E.U.A., donde tiene su orden de aprehension por el delito de homicidio.

Expreso a usted las mas cumplidas gracias por sus atenciones a la presente, quedo en espera de su aprobacion en lo solicitado y me subscribo, como su atento y seguro servidor.

Respetuosamente,

Antonio Manriquez Manriquez

PRESIDENCIA DE LA REPUBLICA
SECRETARIA PARTICULAR

101.2/3 70427
R.E. 42549
Palacio Nacional, 8 de octubre de 1993.

Señor
ANTONIO MANRIQUEZ
y firmantes
[redacted]

Estas líneas tienen por objeto acusar recibo del escrito de fecha 26 de julio del año en curso, que dirigieron al C. licenciado Carlos Salinas de Gortari, Presidente Constitucional de los Estados Unidos Mexicanos, en el cual solicitan la detención de un presunto homicida que dicen huyó hacia nuestro país.

Al respecto, me permito comunicarles que para que intervengan autoridades mexicanas en la aprehensión de la citada persona, es necesario lo soliciten quienes oficialmente estén encargadas de la investigación del citado ilícito.

Sin otro particular, expreso a ustedes las seguridades de mi atenta y distinguida consideración.

SUFRAGIO EFECTIVO. NO REELECCION.
LA JEFA DE LA UNIDAD DE DOCUMENTACION

Alba Celina Soto S.

ALBA CELINA SOTO SOTO

FORMA 101

SECRETARÍA
DE
RELACIONES EXTERIORES
CONSULADO GENERAL

CONSULADO GENERAL DE MEXICO
DEPARTAMENTO DE PROTECCION.

NUMERO: 02840

EXP: 73-23/76.24-M-93.

LOS ANGELES, CALIFORNIA.
JULIO 19 DE 1993.

LIC. COLUMBA CALVO
CONSUL DE MEXICO
588 WEST, 6 TH STREET
SAN BERNARDINO, CA. 92401

Por este conducto, me permito comunicar a usted que se dirigió a este Consulado General el Sr. Antonio Manriquez solicitando nuestra asistencia en el siguente asunto:

En el mes de febrero del presente año la Sra. Ignacia Manriquez Moreno fué asesinada a tiros por su esposo el Sr. Juan Navarro Lerma (A) Juan Manuel Navarro, en la puerta del Hospital Loma Linda de la ciudad de Cochela, Ca. al momento de abandonar el hospital al que acudió para que le dieran atención médica a su menor hijo de nombre Juan Navarro.

Después de haber dado muerte a su esposa, el Sr. Navarro escapó llevándose con él al menor, quien después fué abandonado en la casa de la abuela materna, la Sra. María Navarro Lerma, con domicilio en el [redacted]

Asimismo, se nos informó que el oficial Roberto Acevedo (Tel. 909/387-3589) del Condado de San Bernardino es la persona encargada de la investigación.

Comunidad Hispana del Sur de California
Estados Unidos de Norteamerica

Julio 26 de 1993

C. Lic.
CARLOS SALINAS DE GORTARI
Presidente Constitucional de los Estados Unidos Mexicanos
Residencia Oficial de los Pinos
Avenida Molino del Rey S/N
Colonia Parque Nacional
Bosque de Chapultepec - 11109
Mexico Distrito Federal

Honorable Senor Presidente de la Republica Mexicana, con el debido respeto nos dirijimos a usted con un fraternal saludo de toda nuestra comunidad hispana, residentes del Sur de California en Indio y Coachella.

Senor Presidente como ciudadanos Mexicanos y como residentes Mexico Americanos de origen Mexicano nos dirijimos a usted de la manera mas respetuosa para pedirle su ayuda e intervension en defensa de nuestra comunidad ya que somos victimas de la violencia criminal y al mismo tiempo victimas del sistema judicial aqui en los Esados Unidos ya que crimenes cometidos en nuestra comunidad quedan impunes por las autoridades Norteamericanas y de un proceso judicial demasiado lento se trata del asesinato de la senora Ignacia Manriquez Moreno quien fue asesinada a balazos en Lomalinda Memorial Hospital en Lomalinda, California el 14 de Febrero de 1993.

Honorable Senor Presidente hasta la fecha no se a detenido al criminal de nombre Juan Navarro Lerma quien se a internado en la frontera de Mexicali y Tijuana, Baja California pero nosotros como comunidad le pedimos a used su intervension para que le permita a la Procuraduria de Justicia de la Republica Mexicana y a las Corporaciones Judiciales tanto Federales como Estatales el arresto de dicho criminal.

Senor Presidente nuestra comunidad en el Valle de Coachella, California sabra agradecer su intervencion por el bien de nosotros los Mexicanos en el exranjero.

Sinceramente,

La Comunidad Hispana del Sur de California
Estados Unidos de Norteamerica

020W65

HEARING NOTICE (CONSENT ALLOW)

STATE OF CALIFORNIA

PETE WILSON, Governor

# STATE BOARD OF CONTROL

VICTIMS OF CRIME PROGRAM
P. O. BOX 3036
SACRAMENTO, CA 95812-3036
(916) 322-4426

August 25, 1993

ANTONIO MANRIQUEZ
[redacted]

CLAIM NUMBER 268828 REQ. 6
USER ID BCARICE
CLAIMANT NAVARRO JR
JUAN,M
SOCIAL SECURITY NO. N/A
DATE OF BIRTH N/A
FILED BY MANRIQUEZ
ANTONIO
VICTIM MANRIQUEZ
IGNACIA
SOCIAL SECURITY NO N/A
DATE OF BIRTH N/A
DATE OF DEATH N/A
PATIENT'S ACCT.NO. N/A

A staff recommendation has been made to the State Board of Control (Board) on your claim (see attached) as a result of the verification process.

**PLEASE READ THE ATTACHED RECOMMENDATION CAREFULLY.**

**IF YOU AGREE WITH THE ATTACHED RECOMMENDATION, DO NOTHING** and the Board will adopt the action recommended at the next available hearing. If the attached recommendation includes verified losses, payments will be processed and mailed as soon as possible. Due to funding shortages, payments are currently being delayed from the time of their approval. A delay of one to two months is possible. Payments will be released as funding becomes available in the order claims have been processed.

**IF YOU DO NOT AGREE WITH THE ATTACHED RECOMMENDATION,** list the reason(s) why you disagree with the recommendation on the lines provided below and return this letter to the State Board of Control at the above address within ten (10) days of the date of this notice. You should attach all information which supports your reason(s) for disagreement which you think will be helpful in considering application. **PLEASE WRITE YOUR CLAIM NUMBER ON THE TOP OF ALL DOCUMENTS.**

If you have any additional losses, please mail copies of all bills and supporting documents to your Attorney or local Victim/Witness Assistance Center representative. If you do not have a representative, mail the bills, correspondence and a claim form, which is available through your provider or local Victim/Witness Center, directly to the State Board of Control, Victims of Crime Program at the above address. Please be sure to write your **CLAIM NUMBER ON THE TOP OF ALL DOCUMENTS.**

PATRICIA (CORKY) LARSON
FOURTH DISTRICT SUPERVISOR
BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE

DISTRICT OFFICE
46209 OASIS STREET ROOM 414
INDIO, CALIFORNIA 92201-5964
TELEPHONE (619) 863-8211 · 345-1072

STAFF
ROBYN NAGLE
KAREN KATZ
ESTHER CONTRERAS
ROSE MARIE DOMINGUEZ

August 11, 1993

Antonio Manriquez
[redacted]

Dear Mr. Manriquez:

Supervisor Larson has received a copy of your letter to President Clinton regarding your daughter's murder. She has asked me to respond on her behalf.

We have forwarded your letter to Cois Byrd, Riverside County Sheriff, for his consideration. Mr. Bryd is an elected official, and as such Supervisor Larson has no jurisdiction over him and how he runs his department. However, by getting your letter to Mr. Byrd, you are getting your problem into the hands of the Sheriff himself.

Both Supervisor Larson and I extend our sympathies to you and your family over your loss and are hopeful that this situation is resolved to your satisfaction.

Sincerely,

Karen M Katz

KAREN M. KATZ
Administrative Assistant to Supervisor Larson

VICE-CHAIRWOMAN
AGRICULTURE COMMITTEE
COMMITTEES
FINANCE AND INSURANCE
HIGHER EDUCATION
HOUSING AND COMMUNITY DEVELOPMENT

Assembly
California Legislature

JULIE BORNSTEIN
ASSEMBLYMEMBER, EIGHTIETH DISTRICT

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 445-5416

DISTRICT OFFICES
72-880 FRED WARING DRIVE
SUITE A-4
PALM DESERT, CA 92260
(619) 568-0408

1101 AIRPORT ROAD
OFFICE J
IMPERIAL, CA 92251
(619) 355-2433

August 6, 1993

Mr. Antonio Manriquez
[redacted]

Dear Mr. Manriquez:

Thank you for contacting my office requesting assistance with the death of your daughter that occurred at University of Loma Linda Hospital.

My staff member, Mr. Marco Antonio Baeza contacted Mr. Roberto Asevado at the San Bernardino Police Department. Mr. Asevado stated that he understands your frustrations, however it is most important that you remain patient. The FBI is currently involved in this case and they are currently working with Mexicos' authorities in order to obtain the criminal and prosecute him in the United States.

Again, thank you for contacting my office. If I may be of further assistance please do hesitate to contact my office.

My condolences on the loss of your daughter.

Very truly yours,

JULIE BORNSTEIN
Assemblymember

JB:mab

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AL McCANDLESS
44TH DISTRICT CALIFORNIA

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September 8, 1993

Mr. Antonio Manriquez
[redacted]

Dear Mr. Manriquez:

This will acknowledge the copy of your letter to the President concerning efforts to apprehend the man who killed your daughter. I was very sorry to learn of her death, and want to extend my deepest sympathy. I believe you were fortunate to receive your grandson back unharmed.

This is a matter, unfortunately, which must be handled by the local authorities, at least in regard to the sending of documents to Mexicali. You have taken the right step in bringing the matter to the attention of your Riverside County Supervisor, the Hon. Corky Larson.

After the Spanish-language documents have been submitted, if there is any problem with the extradition process, please let me know as I will be glad to contact the American Consulate in Tijuana on your behalf.

With best regards,

Sincerely,

AL McCANDLESS
Member of Congress

AAM/Bb

July 29, 1993

President Bill Clinton
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

My name is Antonio Manriquez and I am writing to you in hopes that you will help me, as I have come to the end of my rope. My efforts to help authorities in Southern California and Mexico to capture my daughter's murderer have rendered fruitless.

On February 14, 1993, my daughter Ignacia M. Manriquez was murdered by her children's father, Juan Manuel Maciel Navarro. She had taken her son to the emergency room at Loma Linda Medical Center in Loma Linda, California for cold and flu symptoms. Both were treated and released. Upon leaving the facility, she was confronted by Mr. Navarro in the parking lot. After a brief argument, he stabbed Ignacia repeatedly in the stomach then fired two shots, one in the stomach and another in the head. She died instantly, the attack being so brutal, she had no chance of survival. Juan Navarro then abducted the four year old boy and fled, escaping capture. Two weeks later, a stranger returned the child without explanation to me and my wife.

My wife and I have full custody of my daughter's three children, so we know that at least *they* are safe. However, we cannot have peace of mind as long at Ignacia's murderer remains free to enjoy life. Meanwhile, my daughter lies buried in our town cemetery.

I have been conducting my own investigation and have discovered Navarro's whereabouts. He is living in Mexicali, Baja California, Mexico. I have reported this to the San Bernardino County Sheriff's Department. The detectives handling the case are Robert A. Acevedo and Larry Brown. I also reported this information to Detective Pina of the Riverside County Sheriff's Department, where we are currently residing.

To my knowledge, Det. Acevedo sent the information to Mexicali by fax to the Chief of Police, Antonio Garibay (Tel. 011-52-65-58-1184). Since it was sent in English, Garibay asked for the information to be re-sent in Spanish. I have been told that Det. Acevedo is presently on vacation and his staff in charge of this case has refused to send anymore documents, including an order of arrest in Spanish, claiming they have done everything necessary.

From the time of my daughter's murder, Det. Acevedo has told me that until Juan Navarro is caught committing another crime, he is not likely to be arrested. I have asked for help from the FBI, but they tell me they do not have jurisdiction to take Navarro into custody. I have contacted the Consulate in Mexico and they have assured me that they will do anything they can to help, but they too are powerless without authority from the agencies here in the United States.

I feel that I have exhausted every resource available to me and still there has been little, if any, progress in capturing my daughter's murderer. I am pleading now for any help from you, Mr. President, in ending this

horrible ordeal that my family has had to endure. We have laid our daughter to rest and now face the task of raising her orphaned children. We need to heal this open wound for all of us, but this is impossible as long as Juan Navarro goes free and unpunished for his unforgivable deed.

Sincerely,

Antonio Manriquez

[redacted]

cc: Barbara Boxer
Dianne Feinstein
Al McCandless
Pete Wilson
Corky Larson

AM/sgg

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